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THE

THREE TRIALS

OF

WILLIAM HONE,

FOR PUBLISHING

THREE PARODIES:

VIZ.,

THE LATE JOHN WILKES'S CATECHISM,
THE POLITICAL LITANY,
AND
THE SINECURISTS' CREED,

AT GUILDHALL, LONDON,

BEFORE

THREE SPECIAL JURIES,

AND

MR. JUSTICE ABBOTT ON THE FIRST DAY,

DECEMBER 18TH, 1817, AND

LORD CHIEF JUSTICE ELLENBOROUGH

ON THE TWO LAST DAYS, DECEMBER 19TH AND 20TH.

WITH INTRODUCTION AND NOTES

BY WILLIAM TEGG,

Editor of "Wills of their Own," "Laconics," &c., &c.

LONDON:
WILLIAM TEGG & CO., PANCRAS LANE, CHEAPSIDE.
1876.

LEEDS: PRINTED BY McCORQUODALE & CO.

INTRODUCTION.

WILLIAM HONE was born at Bath, in 1780. When very young he was placed in a solicitor's office, where he stayed but a short time. He began life as printseller and bookseller, in Lambeth, in July, 1800. He afterwards removed to St. Martin's Churchyard, but soon had the misfortune to be burnt out. He then joined with Mr. Bone, a bookseller in the Strand, but the partnership did not last long. He by himself recommenced business in May's Buildings, St. Martin's Lane, next to High Street, Bloomsbury. In 1815 he started *The Traveller* newspaper; in 1816, the *Reformist's Register;* and, shortly after, he produced the *Parodies on the Liturgy.* This was in 1817. They roused the indignation of all well-thinking people, and the publication was almost immediately withdrawn, not soon enough, however, to prevent a Government prosecution. Hone was tried three times, and acquitted on each occasion; for party spirit ran high, and he was regarded as a kind of political martyr. Mr. Justice Abbott* was the judge on the first trial; at the second and third trials, Lord Chief Justice Ellenborough presided. The acquittal of Hone was thought by his partizans a great triumph. Hone defended himself, and in doing so evinced superior abilities and a thorough knowledge of his position. In a pecuniary sense, the acquitted parodist was benefited; a subscription amounting to over £3,000 having been raised for him. This enabled him once more to commence business on Ludgate Hill; and here he produced *The Every Day Book,* in two volumes, and *The Table Book*—really valuable works, which have been applauded for the kindly senti-

* Afterwards Lord Tenterden.

ments and wholesome doctrines which pervade them throughout. Hone was afterwards engaged by the late Mr. Thomas Tegg to write a fourth volume, under the title of *The Year Book* (the original plan of Hone), as a continuation to the others. He did so, and received for it the large sum of £500; so that literary labour at that period was well thought of.

Hone was careless about money matters. Many instances can be told of his thoughtlessness as regards himself and family. When *The Year Book* was being passed through the press the late Mr. Thomas Tegg, knowing the character of the man, and how imprudent it would be to advance him any large sum of money at one time, made a condition to advance £10 to £15 a week. One day, after receiving £10, he met a brother author in the street, who told him a long tale of sorrow and distress in his family. "Tell me no more," says Hone—"Here, take this; it will at least assist the family for a time," handing him the cheque which Mr. Tegg had just given him. Returning to the publisher with a cheerful face, he related what he had done. Mr. Tegg was angry at the moment, but said, "Remember the old saying, Mr. Hone, 'Be just before you're generous;'" at the same time giving him another cheque, on account, for £10.*

The next anecdote, although different in character, again illustrates the character of the man. One sultry day in July, passing along Mansion House Street, the celebrated banker, L——, was standing at his door with his hat in his hand, wiping his forehead. Hone, being rather near sighted, and thinking it was a person asking for relief, put a penny into his hat, saying, "There, there, don't let me see you begging here again!" The good-natured banker took the coin and put it in his pocket, and for many years related the anecdote with great glee to many of his friends.*

His large family was a plea for raising a second subscription in his aid; and the late Mr. Tegg, with a few friends, subscribed £400, and placed him in the Grasshopper Coffee House, in Gracechurch Street. Here he was again unsuccessful. An Independent

* The Editor had these anecdotes from Mr. Tegg himself.

minister suggested a different vocation, and he became a preacher at the Weigh House Chapel. He was at the same time one of the editors of the *Patriot* newspaper.

In 1836–7 he suffered twice from paralysis; and a third attack rendered him helpless. He continued gradually to sink, and expired at Grove Place, Tottenham, 6th November, 1842, aged 63 years.

*** The Publishers, having frequently been asked to print these trials of William Hone, have now done so; they must not, however, be in any way held responsible for the doctrine or teaching elicited in the course of the trials. The work is now produced in its original form, as a supplement to his popular works,—*The Every Day Book, Table Book,* and *Year Book.*

The *Parodies* may be read, and taken as an exhibition of political feeling, at a time when party spirit ran high, rather than as a cool and imprudent attempt to bring certain portions of religion into ridicule. The trials, too, are curious in another way, setting aside religious feeling, as showing the desire of the Government at that time to regulate the opinions of the Press. The work, therefore, is interesting, showing the manner in which public prosecutions were conducted at that period.

It has been truly said that the *Parodies* were the "BANE" to "Hone's Life," but the splendid ideas enunciated in his *Every Day Book,* &c., were "THE ANTIDOTE."

WILLIAM TEGG.

PANCRAS LANE,
1876.

*** The original titles of "The Trials" are placed at the end of the work, in case any gentleman feels desirous to bind them up with the volume.

ADDRESS.

I INTIMATED an intention of exhorting my fellow-citizens against parodying Scripture or the forms of worship established by law. I am glad to find that the intimation had the effect I wished. Had the Parodies been re-published in the way I anticipated, the Ministers of the Crown might perhaps have essayed another alarum to the weak-minded; and—as there is no calculating upon the movements of folly—have asked Parliament for another suspension of the Habeas Corpus Act. They are laughed out of Court; but instead of arising and putting their *house* in order, and going forth—like sensible men—and doing as one of old did, they still seek unrefreshing slumbers upon the bed of office. The solemn bigotry of one of my Prosecutors, the *noble* Secretary of State for the Home Department, reposes beneath the unblushing hypocrisy of another of my Prosecutors—my brother parodist—the *Right Honourable* President of the Board of Control. Hence, if they keep their places during the year, we may expect four New Lotteries, at least, with improved Schemes, and an increased number of Bible Societies and Executions.

WILLIAM HONE.

JANUARY 23, 1818.

FIRST TRIAL.

THE KING *AGAINST* WILLIAM HONE,

ON AN EX-OFFICIO INFORMATION FOR PUBLISHING THE LATE

JOHN WILKES'S CATECHISM.

TRIED IN GUILDHALL, LONDON, ON THURSDAY, DECEMBER 18, 1817, AT THE LONDON SITTINGS AFTER MICHAELMAS TERM.

BEFORE MR. JUSTICE ABBOTT* AND A SPECIAL JURY.

THE Trial of this issue excited considerable interest. So early as eight o'clock the avenues leading to the Court became crowded; the doors were thrown open shortly after, and the Court immediately filled. About twenty minutes after nine o'clock, Mr. Hone entered, attended by a youth, his brother, who placed on the table of the Court several parcels of books and papers, which nearly covered the table. About half-past nine o'clock Mr. Justice ABBOTT took his seat on the Bench, and the following Special Jury were immediately sworn:

JOHN GODWIN BOWRING, Leadenhall Street.
WILLIAM SYME, Fenchurch Buildings.
JOHN WOOLLETT, Gould Square.
JOHN O'BRIEN, Broad Street Buildings.
WILLIAM NOAKES, Little Eastcheap, South Side, wine merchant.
JOHN GARDINER, Old Broad Street.
NICHOLAS HILTON, Ironmonger Lane.
SAMUEL BROOK, Old Jewry.
JAMES HUNTER, Barge Yard.
WILLIAM THOMPSON, Queen Street.
THOMAS LEWIS, Queen Street.
THOMAS EDWARDS, Coleman Street.

* Afterwards Lord Tenterden.

Mr. SHEPHERD (son to the Attorney-General) stated, that this was an information filed by his Majesty's Attorney-General against the defendant, for printing and publishing a certain impious, profane, and scandalous libel on that part of our church service called the Catechism, with intent to excite impiety and irreligion in the minds of his Majesty's liege subjects, to ridicule and scandalise the Christian religion, and to bring into contempt the Catechism.

The ATTORNEY-GENERAL (Sir Samuel Shepherd) addressed the Court as follows :—

My Lord, and Gentlemen of the Jury—You have understood from my young friend the nature of this cause. It is an information filed by me, as Attorney-General, against the defendant, William Hone, for printing and publishing an impious and profane libel, upon *The Catechism*, *The Lord's Prayer*, and *The Ten Commandments*, and thereby bringing into contempt the Christian Religion. I won't occupy your time long, gentlemen, in showing this to be the effect of the publication, for it seems impossible for me to hear it read without feeling one's-self compelled to apply to it this language. It is charged, and, as I think, justly charged, with being a profane, blasphemous, and impious libel. It has nothing of a political tendency about it, but it is avowedly set off against the religion and worship of the Church of England, as established by Act of Parliament. It has been over and over again said by the most eminent judges, and particularly by one who was the most learned man that ever adorned the bench—the most even man that ever blessed domestic life—the most eminent man that ever advanced the progress of science—and also one of the best and most purely religious men that ever lived. I speak of Sir Matthew Hale.* It was by him in one sentence said, that "the Christian Religion is parcel of the Common Law of England." The service of the Church of England is also part of the statute law of England; for in the reign of Charles the Second, for securing uniformity of public prayer in the Church of England, a book, commonly called "The

* Chief-Justiceship of the King's Bench. Born, 1609. Died, 1676.

Book of Common Prayer," was not composed, but collected, and annexed to an Act of Parliament then framed, as part of the enacted form of the Liturgy of the Church of England. If to revile that—if to bring it into contempt, be not a libel, then Christianity no longer is what Sir Matthew Hale described it—"parcel of the Common Law of England," nor this sacred book a part of the statute law of the land, because in such an event the law must declare its inability to support its own provisions. In that book there is a catechism, the object of which is most important, because it is that part which is peculiarly destined for forming in the minds of the younger classes of the community that proper foundation for religious belief which is to influence their future conduct. It is that part which the ministers of the Church of England are peculiarly bound to teach to those between the infant and adult state at certain periods of time; it is that part which all who are initiated into Christianity through baptism must be confirmed before they come to their pastor in an adult state. To procure this important object, it consists of three parts:—1st, The Service of the Church of England; 2nd, The Apostles Creed (which is professed by every class of Christians, no matter what be their particular form of worship); and 3rd, The Ten Commandments, which were of divine origin, communicated originally from the mouth of God through Moses to the Jews. These form the foundation of all our religious and moral duties; they are those which, if men would but obey, there would be an end to strife; nothing but peace and happiness could then be found in human society. This book ("The Book of Common Prayer") has also the Lord's Prayer, as in his sacred and blessed Sermon on the Mount. If these works be not what ought to be held sacred from ridicule, what is there which can be called so in the mind of a Christian? I take this to be a proposition of law, that he who attempts to parody these three sacred parts of Christian belief, and presents them to the mind in a ridiculous shape, does that which is calculated to bring them into contempt, and is therefore, by the law of the land, guilty of a libel. It cannot be necessary to Christian minds to reason on the baneful effect of

such a publication as the defendant's. If any of you, gentlemen, be fathers, and wish your children to hold in reverence the sacred subjects of Christian belief, read these publications of the defendant, and say if you would put them into the hands of those children you love. If you would not put them into their hands, would you into those of the lower classes of society, which are not fit to cope with the sort of topics which are artfully raised for them? I ask you, if it be possible, that after such publications are thus cheaply thrown among this class of people, they can, with the same degree of reverence that becomes the subject, look at the contents of the Sacred Book of our belief? Nay, even in better cultivated minds, the firmness of moral rectitude is shaken, and it often becomes necessary to make great mental exertion to shake off the influence of these productions, and recall the mind to a true feeling towards sacred truths. They are inevitably calculated to weaken the reverence felt for the Christian faith. It may be said that the defendant's object was not to produce this effect—I believe that he meant it, in one sense, as a political squib, but his responsibility is not the less, for he has parodied "The Catechism" in terms which it is impossible to believe can have any other effect than that of bringing it into contempt. The publication is called "A Catechism; that is to say, An Instruction to be learned of every person before he be brought to be confirmed a Placeman or Pensioner by the Minister." The jury will see these are the very words of the original in parody. Again, *The Apostles Creed* is also in complete parody. We say, "I believe in God," &c., &c.; here he says, "I believe in George, the Regent Almighty, Maker of New Streets, and Knights of the Bath; and in the present Ministry, his only choice, who were conceived of Toryism, brought forth of Wm. Pitt, suffered loss of place under Charles James Fox; were execrated, dead, and buried. In a few months they rose again from their Minority; they reascended the Treasury Benches, and sit at the right hand of a little man in a large wig; from whence they laugh at the petitions of the people who pray for Reform, and that the sweat of their brow may procure them bread." The Ten Commandments are also parodied, and divided

precisely in the same manner as the rest of the publication, for the purpose of keeping the whole resemblance more complete. The child is supposed to be examined precisely as it is laid down in the 2nd chapter of Exodus, of course parodied. He answers, as to the promise of belief his sponsors made for him—

"The same to which the Minister for the time being always obliges all his creatures to swear. I, the Minister, am the Lord thy liege, who brought thee out of want and beggary into the House of Commons."

[Here an expression of feeling was manifested by some individuals of the crowd in the Hall of the Court.]

Mr. Justice ABBOTT—If there is anybody present of so light a disposition as to think that a matter of this kind should be made a subject of laughter, at least he shall learn that he shall not come here to interrupt those who are of a graver disposition, and in the discharge of an important duty.

The ATTORNEY-GENERAL—My Lord, if there be any persons here who can raise a smile at the reading of the defendant's publication, it is the fullest proof of the baneful effect it has had, and with which I charge it. It is for that very reason I charge it as a libel on the Law of England. I am not sorry for the faint smile just uttered in court. It establishes the baneful tendency of the work. If there be any here who are not Christians of some sect or other, God forbid that I should have their applauding support. Their approbation or disapprobation is alike indifferent to me. When I allude thus to Christians, let me be supposed as only alluding to those who have had the opportunity of having the light of Christianity shed upon them—God forbid I should be supposed to denounce those who had not had that opportunity. The next Commandment in this Parody is, "Thou shalt have no other Patron but me." At last comes that part where a young man is desired to recite the Lord's Prayer, and this is parodied in the same manner. I know, gentlemen of the jury, that by the law of England, it is your province to decide on the matter of the libel, and to say if it be such or no. I am not sorry that this is the case, for I think it impossible that any twelve men who

understand the law of England, and the precepts of Christianity, which are part and parcel of that law, can read this production of the defendant's without being decidedly of opinion that it is impossible to read it without seeing that its necessary and obvious consequence must be to bring into contempt the Liturgy of the Church of England. I forbear, gentlemen, from reading any more of this production, as it will shortly be read by the clerk. I shall now go to prove the publication by the defendant; it will be for you to take it fairly and fully under your investigation, and, according to the solemn obligation you have taken—that obligation of an oath which is founded on religion, or it is no oath at all—decide upon it; and so help you God.

The ATTORNEY-GENERAL then called witnesses to prove the publication of the parodies by the defendant.

Griffin Swanson, *examined by* Mr. TOPPING.

He held in his hand a pamphlet, called "Wilkes's Catechism," which he bought on the 17th of February last, at Mr. Hone's shop, No. 55, Fleet Street. He bought it from a boy or a girl in this shop, which then had Mr. Hone's name over the door. The girl, he believed, said she was Mr. Hone's daughter. Twopence was the price of it. He bought pamphlets afterwards at the same place, and marked them at the time. He observed bills in the window, that a publication by the name of this Catechism was sold there, but he could not recollect whether there were posting bills advertising it.

Henry Hutchings, *examined by* Mr. RICHARDSON.

On the 7th of February last, he was the landlord of a shop, No. 55, Fleet Street, and Mr. Hone, now in Court, was then his tenant, and up to Midsummer. He used to sell books and pamphlets. The parish was situate in St. Dunstan's in the West, and he believed in the City of London.

Thomas White, *examined by* Mr. SHEPHERD.

Was Clerk of the Inner Treasury at the King's Bench, and produced "The Book of Common Prayer" and the Seal. He

pointed out in the book the Church Catechism, signed by the Commissioners, and exemplified by the Great Seal. It corresponded to the publications by the King's Printers and the Universities.

Mr. Justice ABBOTT—It would be a highly penal offence to publish as from authority any other than the real authenticated form.

Mr. Thomas White—Certainly, my Lord.

Here the printed Catechism, with the publication of which the Defendant stood charged, was put in and read by the Clerk. It was as follows :—

"The late John Wilkes's Catechism of a Ministerial Member; taken from an Original Manuscript in Mr. Wilkes's Handwriting, never before printed, and adapted to the present Occasion.—With Permission.—London : Printed for one of the Candidates for the Office of Printer to the King's Most Excellent Majesty, and Sold by William Hone, 55, Fleet Street, and 67, Old Bailey, Three Doors from Ludgate Hill. 1817. Price Twopence.

"A Catechism, that is to say, An Instruction, to be learned of every person before he be brought to be confirmed a Placeman or Pensioner by the Minister."

Question. WHAT is your name ?

Answer. Lick Spittle.

Q. Who gave you this name ?

A. My Sureties to the Ministry, in my Political Change, wherein I was made a Member of the Majority, the Child of Corruption, and a Locust to devour the good things of this kingdom.

Q. What did your Sureties then for you ?

A. They did promise and vow three things in my Name. First, that I should renounce the Reformists and all their Works, the pomps and vanity of Popular Favour, and all the sinful lusts of Independence. Secondly, that I should believe all the Articles of the Court Faith. And thirdly, that I should keep the Minister's sole Will and Commandments, and walk in the same all the days of my life.

Q. Dost thou not think that thou art bound to believe and to do as they have promised for thee?

A. Yes, verily, and for my own sake, so I will; and I heartily thank our heaven-born Ministry, that they have called me to this state of elevation, through my own flattery, cringing, and bribery; and I shall pray to their successors to give me their assistance, that I may continue the same unto my life's end.

Q. Rehearse the Articles of thy Belief.

A. I believe in GEORGE, the Regent Almighty, Maker of New Streets, and Knights of the Bath.

And in the present Ministry, his only choice, who were conceived of Toryism, brought forth of WILLIAM PITT, suffered loss of Place under CHARLES JAMES FOX, were execrated, dead, and buried. In a few months they rose again from their minority; they reascended to the Treasury benches, and sit at the right hand of a little man with a large wig; from whence they laugh at the Petitions of the People who may pray for Reform, and that the sweat of their brow may procure them bread.

I believe that King James the Second was a legitimate Sovereign, and that King William the Third was not; that the Pretender was of the right line; and that George the Third's grandfather was not; that the dynasty of Bourbon is immortal; and that the glass in the eye of Lord James Murray was not Betty Martin. I believe in the immaculate purity of the Committee of Finance, in the independence of the Committee of Secrecy, and that the Pitt System is everlasting. Amen.

Q. What dost thou chiefly learn in these Articles of thy Belief?

A. First, I learn to forswear all conscience, which was never meant to trouble me, nor the rest of the tribe of Courtiers. Secondly, to swear black is white, or white black, according to the good pleasure of the Ministers. Thirdly, to put on the helmet of Impudence, the only armour against the shafts of Patriotism.

Q. You said that your Sureties did promise for you, that you should keep the Minister's Commandments: tell me how many there be?

A. Ten.

Q. Which be they?

A. The same to which the Minister for the time being always obliges all his creatures to swear, I the Minister am the Lord thy liege, who brought thee out of Want and Beggary, into the House of Commons.

I. Thou shalt have no other Patron but me.

II. Thou shalt not support any measure but mine, nor shalt thou frame clauses of any bill in its progress to the House above, or in the Committee beneath, or when the mace is under the table, except it be mine. Thou shalt not bow to Lord COCHRANE, nor shake hands with him, nor any other of my real opponents; for I thy Lord am a jealous Minister, and forbid familiarity of the Majority, with the Friends of the People, unto the third and fourth cousins of them that divide against me; and give places, and thousands and tens of thousands, to them that divide with me, and keep my Commandments.

III. Thou shalt not take the Pension of thy Lord the Minister in vain; for I the Minister will force him to accept the Chilterns that taketh my Pension in vain.

IV. Remember that thou attend the Minister's Levee day; on other days thou shalt speak for him in the House, and fetch and carry, and do all that he commandeth thee to do; but the Levee day is for the glorification of the Minister thy Lord: In it thou shalt do no work in the House, but shalt wait upon him, thou and thy daughter, and thy wife, and the Members that are within his influence; for on other days the Minister is inaccesible, but delighteth in the Levee day; wherefore the Minister appointed the Levee day, and chatteth thereon familiarly, and is amused with it.

V. Honour the Regent and the helmets of the Life Guards, that thy stay may be long in the Place, which the Lord thy Minister giveth thee.

VI. Thou shalt not call starving to death murder.

VII. Thou shalt not call Royal gallivanting adultery.

VIII. Thou shalt not say, that to rob the Public is to steal.

IX. Thou shalt bear false witness against the people.

X. Thou shalt not covet the People's applause, thou shalt not covet the People's praise, nor their good name, nor their esteem, nor their reverence, nor any reward that is theirs.

Q. What dost thou chiefly learn by these Commandments?

A. I learn two things—my duty towards the Minister, and my duty towards myself.

Q. What is thy duty towards the Minister?

A. My duty towards the Minister is, to trust him as much as I can; to fear him; to honour him with all my words, with all my bows, with all my scrapes, and all my cringes; to flatter him; to give him thanks; to give up my whole soul to him; to idolise his name, and obey his word; and serve him blindly all the days of his political life.

Q. What is thy duty towards thyself?

A. My duty towards myself is to love nobody but myself, and to do unto most men what I would not that they should do unto me; to sacrifice unto my own interest even my father and mother; to pay little reverence to the King, but to compensate that omission by my servility to all that are put in authority under him; to lick the dust under the feet of my superiors, and to shake a rod of iron over the backs of my inferiors; to spare the People by neither word nor deed; to observe neither truth nor justice in my dealings with them; to bear them malice and hatred in my heart; and where their wives and properties are concerned, to keep my body neither in temperance, soberness, nor chastity, but to give my hands to picking and stealing, and my tongue to evil speaking and lying, and slander of their efforts to defend their liberties and recover their rights; never failing to envy their privileges, and to learn to get the Pensions of myself and my colleagues out of the People's labour, and to do my duty in that department of public plunder unto which it shall please the Minister to call me.

Q. My good Courtier, know this, that thou art not able of thyself to preserve the Minister's favour, nor to walk in his Commandments, nor to serve him, without his special protection; which thou must at all times learn to obtain by diligent applica-

tion. Let me hear, therefore, if thou canst rehearse the Minister's Memorial.

Answer.

Our Lord, who art in the Treasury, whatsoever be thy name, thy power be prolonged, thy will be done throughout the empire, as it is in each session. Give us our usual sops, and forgive us our occasional absences on divisions; as we promise not to forgive them that divide against thee. Turn us not out of our places; but keep us in the House of Commons, the land of pensions and plenty; and deliver us from the People. Amen.

Q. What desirest thou of the Minister in this Memorial?

A. I desire the Minister, our Patron, who is the disposer of the Nation's overstrained Taxation, to give his protection unto me and to all Pensioners and Placemen, that we may vote for him, serve him, and obey him, as far as we find it convenient; and I beseech the Minister that he will give us all things that be needful, both for our reputation and appearance in the House and out of it; that he will be favourable to us, and forgive us our negligences; that it will please him to save and defend us, in all dangers of life and limb, from the People, our natural enemies; and that he will help us in fleecing and grinding them; and this I trust he will do out of care for himself, and our support of him through our corruption and influence; and therefore I say Amen. So be it.

Q. How many Tests hath the Minister ordained?

A. Two only, as generally necessary to elevation; (that is to say) Passive Obedience and Bribery.

Q. What meanest thou by this word Test?

A. I mean an outward visible sign of an inward intellectual meanness, ordained by the Minister himself as a pledge to assure him thereof.

Q. How many parts are there in this Test?

A. Two; the outward visible sign, and the intellectual meanness.

Q. What is the outward visible sign or form of Passive Obedience?

A. Dangling at the Minister's heels, whereby the person is degraded beneath the baseness of a slave, in the character of a Pensioner, Placeman, Expectant Parasite, Toadeater, or Lord of the Bedchamber.

Q. What is the inward intellectual meanness?

A. A Death unto Freedom, a subjection unto perpetual Thraldom: for being by nature born free, and the children of Independence, we are hereby made children of Slavery.

Q. What is required of persons submitting to the Test of Passive Obedience?

A. Apostasy, whereby they forsake Liberty; and Faith, whereby they steadfastly believe the promises of the Minister, made to them upon submitting to that Test.

Q. Why was the Test of Bribery ordained?

A. For the continual support of the Minister's influence, and the feeding of us, his needy creatures and sycophants.

Q. What is the outward part or sign in the Test of Bribery?

A. Bank notes, which the Minister hath commanded to be offered by his dependents.

Q. Why then are beggars submitted to this Test, when by reason of their poverty they are not able to go through the necessary forms?

A. Because they promise them by their Sureties; which promise, when they come to lucrative offices, they themselves are bound to perform.

Q. What is the inward part, or thing signified?

A. The industry and wealth of the People, which are verily and indeed taken and had by Pensioners and Sinecurists, in their Corruption.

Q. What are the benefits whereof you are partakers thereby?

A. The weakening and impoverishing the People, through the loss of their Liberty and Property, while our wealth becomes enormous, and our pride intolerable.

Q. What is required of them who submit to the Test of Bribery and Corruption?

A. To examine themselves, whether they repent them truly

of any signs of former honour and patriotism, steadfastly purposing henceforward to be faithful towards the Minister; to draw on and off like his glove; to crouch to him like a spaniel; to purvey for him like a jackall; to be as supple to him as Alderman Sir WILLIAM TURTLE; to have the most lively faith in the Funds, especially in the Sinking Fund; to believe the words of Lord CASTLEREAGH alone; to have remembrance of nothing but what is in the *Courier:* to hate MATTHEW WOOD, the present Lord Mayor, and his second Mayoralty; with all our heart, with all our mind, with all our soul, and with all our strength; to admire Sir JOHN SYLVESTER, the Recorder, and Mr. JOHN LANGLEY; and to be in charity with those only who have something to give.

[*Here endeth the Catechism.*]

This being the whole of the case on the part of the prosecution,

Mr. HONE rose, and addressed the Court to the following purport:—He called upon the jury, as earnestly and as solemnly as the Attorney-General had done, to decide upon this case according to their oaths. If he felt any embarrassment on this occasion, and he felt a great deal, it was because he was not in the habit of addressing an assembly like that: he had never, indeed, addressed any assembly whatever; and, therefore, he hoped that they and the Court would show their indulgence to him, standing there as he did, unassisted by counsel, to make his own defence. If he were really guilty of this libel, as the Attorney-General had called it, he should not have stood there this day. So far back as May, he was arrested under a warrant by the Lord Chief Justice of that Court, Lord Ellenborough, and brought suddenly to plead to informations filed against him. He did not plead, because he conceived the proceeding by information to be unconstitutional, and he thought so still. However ancient this mode of proceeding might be, he was satisfied that it was never intended to be exercised in the way that it had been of late years. By this process, every man in the kingdom, however innocent he might be, was entirely at the mercy of the Attorney-General, and of the Govern-

ment. There was no security for honour, integrity, and virtue; no presentment to a jury, no previous inquiry; the victim was taken in a summary way by warrants, and brought to answer suddenly to informations of which he was wholly ignorant. Another objection which he had to plead on that occasion was, the enormous expense that must have been incurred. He had been given to understand, that making his defence in the usual way, by solicitor and counsel, would cost £100, which would have been utter ruin to him. He applied to the Court for copies of the informations, but the Court did not grant him those copies. He was sorry for this, because if they had been granted, he should have known what he was specifically charged with. On Friday last, he applied for copies at the Crown Office, and upon paying the customary charges, he procured them. When he was placed on the floor of the Court of King's Bench, the late Attorney-General, Sir William Garrow, stated, that the informations charged him with blasphemous publications. Now he found, that this information did not charge him with blasphemous publications; it charged that he, being an impious and wickedly disposed person, and intending to excite impiety and irreligion, did publish that which was stated in the information. And here he must beg leave to call to their attention the great prejudice which had been raised against him throughout the country by this circumstance, and the injury which he had sustained by misrepresentations coming from the highest authorities in the country. The late Attorney-General had charged him with a second information, and he then observed, that whether he were charged with one information, or 300 informations, he would not plead unless copies were given to him. The Attorney-General in reply, observed, that the number of informations depended on the number of publications. He did not, however, mean to charge Sir William Garrow with any intention to produce an unfavourable impression in the public mind against him. But he must say, and he would say it boldly, because he said it truly, that no man was ever treated with greater injustice than he was by Lord Ellenborough. Previous to his arrest, under a warrant issued by his lordship, he had not been out of the house

all the week: he had been engaged in writing, and no application had been made by any one to see him of which he did not hear. Two officers seized him near his own door upon the warrant of Lord Ellenborough and refused to let him go home, without stating any reason why they made that refusal. He was taken to Sergeant's-Inn Coffee-House, and afterwards carried to a lock-up house in Shire Lane, where he remained till half-past five, anxiously expecting Mr. Gibbon, the tipstaff (who, he was told, was coming), in order that he might learn from him the charge, and send for friends to bail him. Gibbon did not come, and he remained ignorant of the charge. On the Monday following, at a moment when he was retiring for the purposes of nature, he was put into a coach, and ordered to be taken to Westminster Hall to plead; but even then the officer could not tell him to what he was to plead. While in the coach, he found it almost impossible to keep himself from fainting; but he was told, that when he arrived at Westminster, sufficient time would be allowed him. He was, however, taken into Court, and whilst one of the informations was being read, a mist came before his eyes, he felt giddy, and applied for leave to sit. The answer of Lord Ellenborough was "No;" and it was pronounced with an intonation that might have been heard at the further end of the hall. This refusal, instead of making him sink on the floor, as he had before expected to do, had the effect that a glass of water on being thrown into his face would have had, and he felt perfectly relieved. At the same time, however, he could not help feeling contempt for the inhumanity of the judge. He was then taken to the King's Bench, and was afterwards found senseless in his room there, not having performed an office of nature for several days. That arose out of the inhumanity of Lord Ellenborough.

Here Mr. Justice ABBOTT interrupted the defendant, stating, that he had better apply himself to the charge against him. He was unwilling to interrupt any person who was making his defence; but where, as in this case, it became absolutely necessary, he could not refrain. It was the duty of Lord Ellenborough to pursue the course of the Court, and it was customary for defend-

ants to stand while the informations filed against them were being read.

The defendant proceeded—He should be sorry to be out of order, but he believed instances had been known in which defendants were permitted to sit. He thought that such cases might be found in the state trials. But whether so or not, such was the feeling of Sir William Garrow, that he leaned over and whispered to him, "If you wish to retire for any purpose of nature, you can." He thanked him, and replied, that the purpose had gone by. He stated this because he should never forget the humanity which Sir William had shown on that occasion, and which formed a strong contrast to the behaviour of the judge whom he had mentioned. Having stated these facts, he would not take up their time in detailing what he endured for two months in the King's Bench; suffice it to say, that he had suffered the utmost distress in a domestic way, and very considerable loss in a pecuniary way. He had gained nothing there but a severe lesson. He learned that, however honourable a man's intention might be, they might be construed into guilt, and the whole nation might be raised against him, except, indeed, the few cool, dispassionate, and sober persons who would read such publications as the present calmly, and determine upon the motives of the writer. It was upon this intention that they (the jury) were to decide. The Attorney-General, Sir Samuel Shepherd, had stated, that this publication was issued for a political squib. He quite agreed with the Attorney-General; he joined issue with him upon this interpretation of the work; it was published for a political squib, and if they found it a political squib, they would deliver a verdict of acquittal. If they found it an impious and blasphemous libel, they would consign him to that punishment from which he should ask no mercy. This was the question which they were to try, and they had nothing to try but that. They had nothing to do with the tendency which his work might have out of doors, or the effect which it might produce in that Court, or, at least, they had so little to do with it, as not to suffer it to weigh a feather in their minds in returning their verdict to the Court. They would

remember, that he was not standing there as a defendant in an action brought by a private individual. In that case, they would not have to look at the intention of the party; they would have to assess the amount of the damages; but here they had everything to do with the intention of the party, and if they did not find that this political catechism was published with an impious and profane intention, they would give him a verdict of acquittal. The Attorney-General had stated, that the very smile of a person was an evidence of the tendency of this publication. He denied that. The smile might arise from something wholly different from the feeling of the person who wrote that publication. But he would now proceed to call their attention to a very important branch of this question. In 1771, it was the intention of certain intelligent persons, Members of the House of Commons, to explain the powers of juries relating to libels. Mr. Dowdeswell moved to bring in a bill for that purpose; and Mr. Burke, than whom he could not quote a man whose authority would be greater in that Court, delivered a most eloquent and impressive speech on that occasion. He said, "It was the ancient privilege of Englishmen that they should be tried by a jury of their equals; but that, by the proceeding by information, the whole virtue of juries was taken away. The spirit of the Star Chamber had transmigrated, and lived again in the Courts of Westminster Hall, who borrowed from the Star Chamber what that Court had taken from the Roman law. A timid jury will give way to an awful judge, delivering oracularly the law, and charging them to beware of their oaths. They would do so; they had done so; nay, a respectable member of their own house had told them, that on the authority of a judge, he found a man guilty in whom he could find no guilt." Mr. Dowdeswell's bill was brought in, but it did not pass into a law. Mr. Burke persevered in the same cause for a number of years, without success; but in 1790, the late Mr. Fox brought in a bill, which was now called the Libel Bill, and it was under the authority of that solemn Act of Parliament that they now sat to try this information. This bill had fixed the powers of juries in cases of libel, and made it imperative on them to determine on the

whole of matters charged in the information. Now he was charged—with what? With intending to excite impiety and irreligion, not with having excited it; so that, as the law stood before, if there had been but one copy printed, they would have been told to find him guilty, if it could be proved that the work was published by him; but now, if he had sold 100,000 copies, it was the intention with which they had to do. As to blasphemy and profaneness, he spurned the charge; and when he said he spurned it, he could assure them they should not hear him say one word to-day which he did not utter from his heart, and from the most perfect conviction. They were not to inquire whether he was a member of the Established Church or a Dissenter; it was enough that he professed himself to be a Christian: and he would be bold to say, that he made that profession with a reverence for the doctrines of Christianity which could not be exceeded by any person in that Court. He had, however, been held up as a man unfit to live, as a blasphemer, a monster, a wretch; he had been called a wretch who had kept body and soul together by the sale of blasphemous publications. If any man knew any one act of his life to which profaneness and impiety might be applied, he would ask and defy that man to stand forward and contradict him at that moment. He was innocent of that charge; and it was the proudest day of his life to stand there, because he was not putting in a plea of not guilty against a charge of infamous and blasphemous libel; for if he were guilty of blasphemy, he would go to the stake and burn as a blasphemer, at the same time avowing the blasphemy. He said this, because he considered nothing was dearer to man than sincerity. It had been the misfortune of his life to have his actions misinterpreted by the papers, by the lookers on—the mere every-day observers; but there were a few individuals of the Established Church who knew everything alleged against him to be a foul and base calumny. It was impossible for a man so humble in life as himself to wage war with opinions broached by a Secretary of State; but when he heard Lord Sidmouth, in the House of Lords, rising every night and calling these little publications blasphemous, he had felt disposed

to interrupt him. The odds were terribly against him in a prosecution of this kind, for he had to contend with the Secretary of State—a man whose opinions were adopted by a great number of persons of the first rank and consideration, and whose private life was, he believed, unimpeachable. This eminent character was, however, like other men, liable to error, else he would not have denounced this publication as blasphemous in his place in the House of Lords. Even if it were so, was it justice to pronounce so decided an opinion, one which must necessarily carry so much weight and influence, before the proper course of inquiry and decision were had upon it? It was by these means that a war-whoop and yell were sent forth against him throughout the country. But, friendless and unprotected as he was, he was obliged to submit, and hence his conduct had been held up to the amusement of the ill-thinking throughout the country. He did not desire, for he did not know how, to obtain popularity; he never went all lengths with any description of persons whatever. He was as independent in mind as any gentleman in that Court was independent in property: he had made to himself many enemies, because it is in human nature that the persons with whom we are intimate scarcely ever forgive one dereliction from what they consider duty. He always endeavoured to make up his mind as coolly as possible: sure he was, that if he ever did a man injury in his life, it was from mistake, and not from intention. And he asked the jury, if they had ever seen any of his publications before, whether they had observed in them anything that would induce them to think that he was desirous of exciting impiety or profaneness? No man in the country had a greater respect than himself for the constituted authorities; if he differed from some public men in opinion, it was not at all times that he differed; it was not because there was a common cry against a measure that he joined in it. He had told them it was the intention of which they were to judge; and he would sit down immediately, if the Attorney-General could lay his hand on any publication in which, in any one passage or sentence, he could point out anything tending to degrade or villify the Christian

religion. He stated this, not in bravado, but in the sincerity of his heart. If he were a man of a blasphemous turn of mind, it was scarcely possible, amongst the numerous works which he had published, and the greater part of them written by himself, that something of this kind should not have appeared; but whatever opinions the Attorney-General might form respecting his notions of religion, he knew that he could not produce any blasphemous writings against him. He came now to another part of this subject. It was his fate, when he was taken to the King's Bench, although it might be an advantage to the country, to differ with the Master of the Crown Office, as to the way in which the special juries were returned. After the juries in his case were struck——

Here Mr. Justice ABBOTT again interrupted the defendant, observing, that he did not think this had any bearing on the question. He was sorry, he repeated, to interfere with his defence, but he had better confine himself to the point at issue.

Mr. HONE said it had, he thought, a bearing on the question, and his lordship and the jury would see it in a short time. The juries to which he alluded were struck in what appeared to him a fair and an honourable way; but——

Mr. Justice ABBOTT—I do not see the relevancy of what you are now stating. It is my duty to take care that the time of the Court should not be consumed improperly; any other motive I cannot have.

Mr. HONE said—That no person could be more anxious than himself to save the time of his lordship and of the jury. If the Attorney-General had asked him, he would have admitted the publication of the work in order to save time: but if he were prevented from going on with what he had begun to state, it would disarrange the whole of his defence. He brought forward his arguments in the best way he could, and he hoped for the indulgence of the Court. He would very briefly state what he saw of the mode of striking juries. The Master of the Crown Office took the book in his hand, and putting his pen between the leaves, selected the name that appeared against the pen. The

Master struck three juries for him in this way; but when he (the defendant) was leaving the office, he could not help observing, that out of 144 persons, there were only two whose names he had ever heard of before—he who had lived in London all his life, and had been actively engaged. One of them was Mr. Sharpe, and he only knew his name as a member of the House of Commons. When, therefore, he saw those names he began to reflect whether the Master had struck the juries from a proper list; and Mr. Pearson, his attorney, conceiving that it was not a proper book, he (the defendant) afterwards sent a solemn protest to the Master of the Crown Office, when he knew Mr. Litchfield, the Solicitor of the Treasury, would be present, against those juries, and the result was, that the Crown abandoned its special juries; Mr. Litchfield waved the three juries which had been struck in his case. The Crown consented to his discharge on his own recognisance. Three weeks ago these informations were revived, and notices given of fresh juries, and of this trial. He attended at the Crown Office, and he was glad to find that a new book of good jurymen was coming down to the office. He was told that a book containing the names of 8,000 persons in London would be sent down. The book came down, and the Master chose the juries as before, but he did not take the names against which his pen struck.

Mr. Justice ABBOTT—I really cannot see how this bears upon the cause. I shall not discharge my own duty if I suffer you to proceed. I am unwilling to interfere, and prevent a defendant from stating anything that bears upon his case, but I cannot see the least bearing in what you are now stating.

Mr. HONE could assure his lordship that he would not say anything disrespectful to the Court, but he thought the point most important, and he hoped he should be allowed to proceed.

A Juryman said—He also thought it might be material, on account of the notice which the public prints had taken of this subject. The defendant, therefore, should have an opportunity of stating the facts truly.

Mr. Justice ABBOTT regretted that the public prints should agitate these matters previous to trial. As one of the gentlemen

of the jury, however, wished to hear some explanation, the defendant might proceed.

Mr. HONE resumed—He had observed, that the Master did not take the name against which the pen struck, and assigned no reason for taking the name of Webb in the place of Moxon. While the Master was pricking the jury, defendant could not see the name he took. The Master stated that as there was a cavil about the pen, he should nominate the jury as he thought proper He then opened the book, the Solicitor of the Treasury standing at the right hand, and Mr. Maule, assistant solicitor, standing on the left, and these two could see all the names. The Master went page after page selecting the jury, sometimes he gave four names in succession without turning over a leaf, at others he went over seven, eight, ten, or a dozen pages, regularly examining every page before he gave a name. In one instance he went over twenty-six pages, in another thirty-six pages without giving out a name. The defendant entered a protest against this mode of proceeding. He made an affidavit of the facts, and on a motion to the Court put it in. The Court decided (and to him it appeared the most extraordinary decision that ever was) that the Master was not bound to put the pen in his book. Nay, Lord Ellenborough, in the presence of Mr. Justice Abbott, said, that if the Master gave the defendant names in that way, it would be giving a jury by lot, and that he was bound to select such persons as he thought proper. The defendant could oppose nothing to that, except that it appeared to be an unfair mode. He did not think that it ever was in the contemplation of law that the Crown should select such persons as it choose. Under that impression he left the Court with what he conceived to be great injustice. The judges all said that to nominate meant to select. Now he found that the Master of the Crown Office was nominated to the Crown by the Court, that is to say, the Court nominated four or five persons to the Crown, who selected one of them to fill the office. Here, then, the Court nominated, and the crown selected, so that nomination was not in fact selection. He now came to his trial, and it was perfectly immaterial to him

of what opinion the jury were, satisfied as he was that they would return a true verdict. He had a very serious impression upon his mind of what his situation would be if a verdict went against him. In that case he firmly believed that he should never return to his family from that Court. The Attorney-General was entitled to a reply; and though the learned gentleman had shown great courtesy, he could not expect him to wave that right. If he would, the defendant would engage to conclude in twenty minutes. He did not see any disposition of that kind, and he would therefore proceed. He should state nothing that was new, because he knew nothing that was new. He had his books about him, and it was from them that he must draw his defence. They had been the solace of his life; and as to one of Mr. Jones's little rooms in the Bench, where he had enjoyed a delightful view of the Surrey hills, they would afford him great consolation there; but his mind must be much distracted by the sufferings of his family. He knew no distinction between public and private life. Men should be consistent in their conduct; and he had endeavoured so to school his mind that he might give an explanation of every act of his life. If he had ever done an injury to any one, it was by accident, and not by design; and, though some persons had lost money by him, there was not one who would say that he did not entertain a respect for him (the defendant). From being a book-dealer he became a bookseller; and what was very unfortunate, he was too much attached to his books to part with them. He had a wife and seven children, and had latterly employed himself in writing for their support. As to parodies, they were as old at least as the invention of printing; and he never heard of a prosecution for a parody, either religious or any other. There were two kinds of parodies; one in which a man might convey ludicrous or ridiculous ideas relative to some other subject; the other, where it was meant to ridicule the thing parodied. The latter was not the case here, and therefore he had not brought religion into contempt. It was remarkable that in October last a most singular parody was inserted in the "Edinburgh Magazine," which was published by Mr. Blackwood.

The parody was written with a great deal of ability, and it was impossible but that the authors must have heard of this prosecution. The parody was made on a certain chapter of Ezekiel, and was introduced by a preface, stating that it was a translation of a Chaldee manuscript preserved in a great library at Paris. There was a key to the parody which furnished the names of the persons described in it. The key was not published, but he had obtained a copy of it. Mr. Blackwood is telling his own story; and the two cherubims were Mr. Cleghorn, a farmer, and Mr. Pringle, a schoolmaster, who had been engaged with him as editor of a former magazine; the "crafty man" was Mr. Constable; and the work that "ruled the nation" was the "Edinburgh Review." The defendant then read a long extract from the parody, of which the following is a specimen:—

"Now, in those days, there lived also a man who was crafty in counsel, and cunning in all manner of working: and I beheld the man, and he was comely and well favoured, and he had a notable horn in his forehead wherewith he ruled the nations. And I saw the horn that it had eyes, and a mouth speaking great things, and it magnified itself even to the Prince of the Host, and it cast down the truth to the ground, and it grew and prospered. And when this man saw the book, and beheld the things that were in the book, he was troubled in spirit and much cast down. And he said unto himself, why stand I idle here, and why do I not bestir myself? Lo! this book shall become a devouring sword in the hand of my adversary, and with it will he root up or loosen the horn that is in my forehead, and the hope of my gains shall perish from the face of the earth. And he hated the book, and the two beasts that had put words into the book, for he judged according to the reports of men; nevertheless, the man was crafty in counsel, and more cunning than his fellows. And he said unto the two beasts, come ye and put your trust under the shadow of my wings, and we will destroy the man whose name is as ebony, and his book."

He observed, that Mr. Blackwood was much respected by a great number of persons.

Mr. Justice ABBOTT said—He could not think their respect could be increased by such a publication. He must express his disapprobation of it; and at the same time observed, that the defendant by citing it, was only defending one offence by another.

The ATTORNEY-GENERAL said—He had been thinking for the last few minutes where a person in his situation could interrupt a defendant. He now rose to make an objection in point of law. The defendant was stating certain facts of previous publications, and a question might arise as to the proof of them. The same objection applied to the legality of his statement. The defendant had no more right to state any previous libel by way of parody, than a person charged with obscenity had of bringing volumes on the table and exhibiting them in his defence. The defendant had no right to be stating, and so to be publishing, things which had better remain on the shelves in a bookseller's shop than be in the hands of the public.

Mr. HONE said—That the Attorney-General called this parody a libel, but it was not a libel till a jury had found it to be so. His was not a libel, or why did he stand there to defend it? In taking this course of defence, he did not take it as a selection of modes; it was his only mode. He had no intention to send forth any offensive publication to the world, but merely to defend himself. When he heard that his own parodies had given pain to some minds, he was sorry for it. This sort of writing was familiar to him from his course of reading. This parody, called "Wilkes's Catechism," was published by him on the 14th of February, and on the 22nd he stopped the sale of the other pamphlets. He should adduce evidence to show that this sort of writing had never been prosecuted. He then held in his hand a little publication drawn up by the late Dr. Lettsom, showing the effects of temperance and intemperance, by diverging lines, as a man gets from water to strong beer, and from strong beer to spirituous liquors and habits of brutal intoxication. He took this as a popular mode of conveying instruction with preservation of health, and had no intention to ridicule the thermometer on the plan on which it was framed.

He (the defendant) knew there were some most excellent persons who occasionally made applications of the Scripture in a way which they would not do in the pulpit. In 1518, a parody of the first verse of the first psalm was written by a man whom every individual in this Court would esteem—a man to whom we were indebted for liberty of conscience, and finally for all the blessings of the Reformation itself—he meant Martin Luther. In the first volume of "Jortin's Life of Erasmus," page 117, the following parody, on the first verse of the first psalm, to which he had alluded, appeared: "Blessed is the man that hath not walked in the way of the Sacramentarians, nor sat in the seat of the Zuinglians, or followed the counsel of the Zurichers." Would any man say that Martin Luther was a blasphemer? and he was a parodist as well as William Hone. But parodies had been published even in the pulpit. He had then in his hand a parody on the Lord's Prayer, delivered in the pulpit by Dr. John Boys, Dean of Canterbury, in 1613, and which was afterwards inserted in a folio volume of his works which he published. He stated, that he gained great applause by preaching on that occasion, which occurred on the 5th of November, 1600. The parody ran in these words: "Our Pope, which art in Rome, hellish be thy name, give us this day our cup in the Lord's supper," and so on.

Mr. Justice ABBOTT thought it better that the defendant should not read any more of this parody; it could only shock the ears of well-disposed and religious persons; and he must again repeat, that the law did not allow one offence to be vindicated by another. He wished the defendant would not read such things.

Mr. HONE—My lord, your lordship's observation is in the very spirit of what Pope Leo X. said to Martin Luther—"For God's sake don't say a word about the indulgencies and the monasteries, and I'll give you a living," thus precluding him from mentioning the very thing in dispute. I must go on with these parodies, said Mr. Hone, or I cannot go on with my defence.

The next book he should refer to was a volume of sermons by Bishop Latimer, in which there was one illustrated by a game of

cards. He recollected to have seen an old book of sermons with a wooden cut, in which the clergyman was represented holding out a card in his hand from the pulpit. He had no doubt but that wooden cut was a portrait of the Bishop preaching the very sermon to which he was about to call the attention of the jury. Let it be recollected that the author of this sermon was the great Latimer, who suffered for the truth. Would any one venture to say that he meant to ridicule religion? Many of the sermons were preached before the King and the Privy Council: that to which he referred was the 64th, and entitled "The first of two sermons of the *Card*, preached at Cambridge, in Advent, 1526." The Rev. Bishop says, "And because I cannot declare Christ's rule unto you at one time as it ought to be done, I will apply myself according to your custom at this time of Christmas. I will, as I said, declare unto you Christ's rule, but that shall be in Christ's cards, wherein you shall perceive Christ's rule. The game that we will play at shall be the *triumph* [this word triumph, said Mr. Hone, is what we now call *trump*, which is a corruption of the original term], which, if it be well played at, he that dealeth shall win, and the standers and lookers upon shall do the same; insomuch that there is no man that is willing to play at this triumph with these cards but they shall be all winners and no losers; let, therefore, every Christian man and woman play at these cards, that they may have and obtain the triumph. You must mark, also, that the triumph must apply to fetch home unto him all the other cards, whatsoever suit they be of. Now, then, take you this first card, which must appear and be showed unto you as followeth:—You have heard what was spoken to men of the old law—Thou shalt not kill; whosoever shall kill, shall be in danger of judgment; and whosoever shall say unto his neighbour *radra* (that is to say brainless, or any other word of rebuking) shall be in danger of a council; and whosoever shall say unto his neighbour fool, shall be in danger of Hell fire." This card was made and spoken by Christ himself. He would not take up the time of the Court by reading the whole of what the reverend prelate had said, but would confine himself to a passage where he

described bad passions under the name of Turks. "These evil disposed affections and sensualities in us are always contrary to our salvation. What shall we do now or imagine to thrust down these Turks, and to subdue them? It is a great ignominy and shame for a Christian man to be bound and subject unto a Turk. Nay, it shall not be so; we will first cast a *trump* [here the word trump is used] in their way, and play with them at cards who shall have the better. Let us play, therefore, on this fashion with this card. Whensoever it shall happen these foul passions and Turks do rise in our stomachs against our brother or neighbour, either for unkind words, injuries, or wrongs, which they have done unto us contrary unto our mind, straightway let us call unto our remembrance and speak that question, unto ourselves, 'Who art thou?' The Bishop had taken his text from John i. 9. And this is the record of John, when the Jews sent Priests and Levites from Jerusalem to ask him 'Who art thou?' In the course of the sermon, therefore, this question, 'who art thou?' is often introduced. The answer (continues the Bishop) is, 'I am a Christian man.' Then further we must say to ourselves—'What requireth Christ of a Christian man?' Now turn up your trump, your heart (hearts is trump, as I said before), and cast your trump, your heart, on this card, and upon this card you shall learn what Chrish requireth of a Christian man: not to be angry or moved to ire against his neighbour in mind, countenance, or otherwise, by word or deed. Then take up this card with your heart, and lay them together; that done, you have won the game of the Turk, whereby you have defaced and overcome by true and lawful play." As he said before, he was confident that the wooden cut he had seen in the old book of sermons represented the bishop in the act of holding up the card referred to. He had introduced this extract from Bishop Latimer to show that the most pious men frequently resorted to means of illustrating even sacred things in a way which others might consider very extraordinary. He was aware that many worthy men condemned parodies; but it was not his business to eulogise this or any other parody; it was sufficient to show, that the practice of composing them had

existed, and had been followed by the most venerable and respected characters this country ever produced.

He should now turn to that celebrated collection, the "Harleian Miscellany," the second volume of which, being Mr. Dutton's octavo edition, contained an article entitled "The plague of Westminster, or an order for the visitation of a sick Parliament, grievously troubled with a new disease, called the consumption of their Members." The persons visited are, the Earl of Suffolk, the Earl of Lincoln, Lord Rundson, the Earl of Middlesex, the Lord Barkley, the Lord Willoughby, the Lord Maynard, Sir John Maynard, Master Glyn, Recorder of London; with a form of prayer, and other rites and ceremonies, to be used for their recovery; strictly commanded to be used in all churches, chapels, and congregations, throughout his Majesty's three kingdoms of England, Scotland, and Ireland. Printed for V. V. in the year 1647, quarto, containing six pages. Let all the long abused people of this kingdom speedily repair for the remedy of all their grievances to the high place at Westminster; and so soon as entered into the Lord's House let them reverently kneel down upon their bare knees, and say this new prayer and exhortation following: "O Almighty and everlasting Lords, we acknowledge and confess from the bottom of our hearts, that you have most justly plagued us these full seven years for our manifold sins and iniquities. Forasmuch as we have not rebelled against you, but against the King, our most gracious Lord, to the abundant sorrow of our relenting hearts, to whose empty chair we now bow in all reverence, in token of our duty and obedience. For we now too well (O Lords) understand that we have grievously sinned, which hath made your honours give us as a spoil unto robbers—viz., your committees, sequestrators, exisemen, and pursuivants," &c. The parties are then desired, if they find no redress, to turn to the House of Commons; after which, this direction follows:—"Here, let all the people sing, Ps. xliii. Judge and revenge, &c.; and then facing about to Henry VII.'s Chapel, let all the people rehearse the articles of their new reformed faith, and after say as follows:"—The passage thus directed to be said,

and the whole article concludes thus:—"We beseech ye by all these, pray against the plaguy diseases your hypocrisy hath brought upon the two Houses of Parliament and the whole kingdom, by heresy, poverty, impeachments, banishments, and the like, amen. Then let the people sing the 41st Psalm, and so depart." He had already proved to the Court and jury that eminent and pious divines have been in the habit of approving and writing parodies. He should now show them that that species of composition had also been sanctioned by the approbation of eminent lawyers. In a collection of tracts, by the great Lord Somers, there is a parody commencing thus:—"Ecce!—The New Testament of our Lords and Saviours, the House of our Lords and Saviours, the House of Commons, and the Supreme Council at Windsor. Newly translated out of their own heathenish Greek ordinances, with their former proceedings; diligently compared and revised, and appointed to be read in all conventicles. Chap. I. The Genealogy of the Parliament from the year 1640 to this present 1648. The conception of their brain, by the influence of the devil; and born of Hell and Damnation, when they were espoused to Virtue. 1. The Book of the Generation of John Pim, the son of Judas, the son of Beelzebub. 2. Pim begat a Parliament, a Parliament begat Showd, Showd begat Hazelrig, and Hazelrig begat Hollis. 3. Hollis begat Hotham, Hotham begat Martin, and Martin begat Corbet; and so on the article goes parodying the whole of the genealogy of Christ, as given in the first chapter of Matthew. It is afterwards in the 13th verse stated, then King Charles being a just man, and not willing to have his people ruinated, was minded to dissolve them. 14. But while he thought on these things, behold an angel of darkness appeared to him, saying, King Charles, these men intend nothing but thine and the kingdom's good, therefore, fear not to give them this power, for what they now undertake is of the Holy Ghost. 15. And they shall bring forth a son, and shall call his name *Reformation;* he shall save the people from their sins. 16. Now all this was done that it might be fulfilled which was spoken long ago in the prophecy.—*Owtwell Bais.*" Then follows

the second chapter, which is also a close parody on the second chapter of Matthew. The third chapter of Matthew is parodied by an application to Saltmarsh and Dell, two noted preachers of those times. It commences thus:—"In those days came Saltmarsh the Antinomian, and Dell the Independent, and preached to the citizens of London. The fourth chapter is a parody on the temptations of Christ. He would read only a few passages:—"1. Then was King Charles permitted by God to be tempted by his Parliament with unreasonable propositions many days. 2. And when Pembroke the Tempter came unto him, he said, if thou wilt still be King of Great Britain thou must set thy hand to these propositions. 9. From that time there was a deadly war between the King and his Parliament, with an equal concernment on both sides. 10. And his fame went through all the quarters of England, the people bringing unto him all such as were diseased with the evil, and he healed them. 11. And there followed him great multitudes of his people from Kent, from Staffordshire, and from beyond Tyne."

Mr. HONE then quoted some verses from a work, entitled "Political Merriment; or, Truth told to some Tune." He next read from the Rev. Mark Noble's continuation of "Granger's Biographical History of England," the following verses written respecting Dr. Burnet, the author of the "Theory of the Earth:"—

A dean and prebendary
Had once a new vagary;
And were at doleful strife, sir,
Who led the better life, sir,
  And was the better man,
  And was the better man.

The dean he said, that truly,
Since Bluff was so unruly,
He'd prove it to his face, sir,
That he had the most grace, sir;
  And so the fight began, &c.

When Preb. replied like thunder,
And roars out, 'twas no wonder,
Since gods the dean had three, sir,
And more by two than he, sir,
For he had got but one, &c.

Now while these two were raging,
And in dispute engaging,
The Master of the CHARTER,
Said both had caught a Tartar;
For gods, sir, there were none, &c.

That all the books of Moses
Were nothing but supposes;
That he deserved rebuke, sir,
Who wrote the Pentateuch, sir;
'Twas nothing but a sham,
'Twas nothing but a sham.

That as for father Adam,
With Mrs. Eve, his madam,
And what the serpent spoke, sir,
'Twas nothing but a joke, sir,
And well-invented flam, &c.

Thus, in this battle royal,
As none would take denial,
The dame for whom they strove, sir,
Could neither of them love, sir,
Since all had given offence, &c.

She therefore, slily waiting,
Left all three fools a-prating;
And being in a fright, sir,
Religion took her flight, sir,
And ne'er was heard of since, &c.

The next work to which Mr. Hone called the attention of the jury was a small tract purporting to be translated from the French of Father La Chaise. It was a parody on the Catechism intended

to satirize Louis XIV. He was asked, Whose child are you? And answered, That he was begotten by Cardinal Richelieu on the body of Ann of Austria. He was then made to lament his breach of faith with the Huguenots. The whole was a gross libel on the King of France, but no ridicule of the Holy Scriptures. The next work to which he should allude was the Fair Circassian, stated to be written by a Gentleman Commoner of Oxford. The author was known to be the Rev. Mr. Croxal, the translator of Æsop. It was a very free parody on the Canticles; he held it in his hand, but he did not think it fit to be publicly read.

He should now refer to a work entitled the "Champion," published in 1741. It was a periodical publication, and in it he found the following parody:—

"Verse 5. The triumph of the wicked is short, and the joy of the hypocrite but for a moment.

"This is evident in the case of the children of Israel, who were formerly oppressed with the Egyptian task masters; those miscreants, with *Pharoah* at their head (like *Colossus*), afflicted the poor *Israelites* with their burdens, and built for *Pharoah* Treasure Cities, Pithom and Raamses. But short was the triumph of the wicked. The *Israelites* were delivered, and *Pharoah* with his host of existing task masters thrown into the Red Sea.

"Remember this, O *Pharoah* of N—f—lk!—thou, who as Benjamin has raven'd like a wolf, in the morning hast devoured the prey, and at night divided the spoil. *Gen.* xlix. 17.

"Though his excellency mount up to the heavens, and his head reach unto the clouds.

"This is to say, however set forth in a preamble.

"7. Yet he shall perish for ever like his own dung; They which have seen him shall say, where is he?

"*Ainsi soit il!*

"8. He shall fly away as a dream, and shall not be found; Yea, he shall be chased away as a vision of the night. *Amen.*

"9. The eye also which saw him, shall see him no more; neither shall his place any more behold him."

In the Foundling Hospital for Wit, is a paper, entitled "Lessons of the Day, 1st and 2nd Book of Preferment, &c." He

should trouble the jury with a few extracts from it. The first lesson here beginneth the 1st chapter of the Book of Preferment:

"1. Now it came to pass in the 15th year of the reign of *George* the King, in the 2nd month, on the 10th of the month at even, that a deep sleep came upon me, the visions of the night possessed my spirits: I dreamed, and behold *Robert*, the minister, came in unto the King, and besought him, saying:—

"2. O King, live for ever! Let thy throne be established from generation to generation! But behold now, the power which thou gavest unto thy servant is at an end, the *Chippenham* election is lost, and the enemies of thy servant triumph over him.

"3. Wherefore, now, I pray thee, if I have found favour in thy sight, suffer thy servant to depart in peace, that my soul may bless thee.

"4. And when he had spoken these words, he resigned unto the King his place of First Lord of the Treasury, his Chancellorship of the Exchequer, and all his other preferments.

"5. And great fear came upon *Robert*, and his heart smote him, and he fled from the assembly of the people, and went up into the sanctuary, and was safe."

"Second Lesson.—1. Now these are the generations of those that sought preferment.

"2. Twenty years they sought preferment, and found it not: yea, twenty years they wandered in the wilderness.

"3. Twenty years they sought them places; but they found no resting place for the sole of their foot.

"4. And lo! it came to pass in the days of George the King, that they said amongst themselves, Go to, let us get ourselves places that it may be well with us, our wives, and our little ones.

"5. And these are the names of the men that have gotten themselves places in this their day, &c."

And again, "The evening was warm, and the river was smooth, and the melody of instruments was heard upon the waters, and I said, Lo! I will go to Vauxhall.* So I took a companion, and

* This place, afterwards known by the name of Vauxhall, was originally the habitation of Sir Samuel Moreland, who built a fine room there in 1667. The house was afterwards rebuilt; and, about the year 1728, Mr. Jonathan Tyers became the occupier of it; and, from a large garden belonging to it, planted with stately trees, and laid out in shady walks, it obtained the name of Spring Garden. The house being converted into a tavern, soon became a place of entertainment much frequented by the votaries of pleasure. Mr. Tyers opened it in 1732, with

the voyage pleased me. And it came to pass, as I sailed by Lambeth, the Palace of the High Priest, I asked of the man that was with me, saying, is this Prelate alive or dead? and he answered and said, our friend *sleepeth*. So I came to Vauxhall. * * * And I said unto mine eye, go to now, and examine every part, &c. Then I beheld a drawer, and he looked wistfully upon me, and his countenance said, Sit down. So I sat down; and I said, Go now, fetch me savoury meats, such as my soul loveth; and he straightway went to fetch them. And I said unto him, Asked I not for beef? wherefore then didst thou bring me parsley? Run now quickly and bring me wine, that I may drink, and my heart may cheer me; for as to what beef thou broughtest me, I wot not what is become of it. Now the wine was an abomination unto me; nevertheless I drank, for I said, 'Lest, peradventure I should faint by the way,'" &c.

The next book to which he should call their attention was one, the circulation of which had been very great. It was composed of the papers published by the Association for preserving Liberty and Property against Republicans and Levellers, which met at the "Crown and Anchor," in the Strand. It was entitled "The British Freeholder's Political Creed."

"Q. Who are you?

"A. I am a freeholder of Great Britain.

"Q. What privilege enjoyest thou by being a freeholder of Great Britain?

"A. By being a freeholder of Great Britain, I am a greater man,

an advertisement of a Ridotto al Fresco, a term which the people of this country had till that time been strangers to. The repetition and success of these summer entertainments encouraged the proprietor to make his garden a place of musical entertainment for every evening during the summer season. He decorated it with paintings; engaged a band of excellent musicians; issued silver tickets for admission at a guinea each; set up an organ in the orchestra; and in a conspicuous part of the garden erected a fine statue of Handel, the work of Roubillac. Vauxhall Gardens were finally closed July 25, 1859; and in the following month the theatre, orchestra, dancing platforms, and other properties, were sold, realizing very trifling sums. The old pleasure haunt is swept away, but the recollection of it is still preserved in the names of the streets which now occupy the site; and Leopold Street, Auckland Street, Gye Street, Vauxhall Walk, and Italian Walk, must change their titles before the remembrance of Spring Gardens and Vauxhall be entirely effaced.

in my civil capacity, than the greatest subject of an arbitrary prince; because I am governed by laws; and my life, my liberty, and my property cannot be taken from me but according to those laws; I am a free man.

"Q. Who gave thee this liberty?

"A. No man gave it me; it is inherent, and was preserved to me when lost to the greatest part of mankind, by the wisdom of God, and the valour of my ancestors, freeholders of this realm.

"Q. Wilt thou stand fast in this liberty, whereunto thou art born and entitled by the laws of thy country?

"A. Yes, verily, by God's grace, I will."

A well-known character, Mr. John Reeves, was the chairman and founder of this society. In one of his publications he (the defendant) had stated that Mr. R. was the publisher of a parody on the Catechism. Now Mr. R. was a very loyal man. He meant loyal in a different sense from his own loyalty, for in respect and obedience to the laws he yielded to no man. But Mr. Reeves had got something for his loyalty—something to make him sit easy. He is the printer of the Prayer Book, to which he has written an introduction with an address to the Queen. There is an anecdote connected with Mr. Reeves which he should wish to state. Mr. Reeves called at his (the defendant's) shop, in consequence of the statement respecting his publication of a parody on the Catechism. He then declared, that his Majesty's Ministers had nothing to do with the establishment of the society at the "Crown and Anchor." He therefore took this opportunity of publicly repeating what Mr. Reeves had said; but he himself knew something respecting the institution of that society, which he should perhaps take the opportunity of stating on another occasion.

Mr. Hone then referred to the papers relative to the Westminster election of 1784, published in a quarto volume. There are among them a great number of Scriptural parodies, from which he should select only the following, entitled "Fox."

"Again the sons of Judas assemble themselves together at the hotel in the market place, to present themselves before the Lord [Hood], and Envy came also to present himself among them. And Truth said unto

Envy, from whence comest thou? And Envy answered and said, from walking to and fro in the garden, and appearing upon the hustings. Then Truth said unto Envy, hast thou considered my servant Fox, that there is none like him upon the earth, a perfect and an upright man, one that revereth me and escheweth evil? and still he holdeth his integrity, although thou movest against him to destroy him without a cause. Then Envy said, skin for skin, yea, all that a man hath will he give for a majority. But put forth thy hand and touch him, and he will curse thee to thy face. And Truth said unto Envy, behold, he is in thy hand, but spare his election. So Envy went forth from the presence of Truth, and raised up a majority against Fox of 318 men. Then Insinuation said unto Fox, Dost thou still retain thy perseverance? Curse the poll and decline. But Fox answered and said, thou speakest as one of the foolish sisters speaketh; my cause is just, and I will persevere. And in all these things, Fox sinned not."

In the "Humorous Magazine," there was a parody on the Te Deum; and in Grose's Olio, a parody, entitled "The Chronicles of the Coxheath Camp."

He must now refer to that well-known book "The Chronicles of the Kings of England, from the Norman Conquest to the Present Time," written, as set forth in the preface, by Nathan Ben Sadi. He should beg leave to read some passages from it as examples of parody.

"Now it came to pass in the year one thousand sixty and six, in the month of September, on the eighth day of the month, that William of Normandy, surnamed the Bastard, landed in England, and pitched his tent in a field near the town of Hastings. Then Harold, the King, attended by all his nobles, came forth to meet him with a numerous army, and gave him battle: and it was fought from the rising of the sun even to the going down of the same. But Harold was slain by an arrow shot into his brains, and his army was routed with exceeding great slaughter."

"Elizabeth.—Now Elizabeth was twenty and five years old when she began to reign, and she reigned over England forty and four years, four months, and seven days, and her mother's name was Anne Boleyn. And she choose unto herself wise and able ministers, and governed her kingdom with power and great glory.

"The sea also was subject unto her, and she reigned on the ocean with a mighty hand.

"Her admirals compassed the world about, and brought her home treasures from the uttermost parts of the earth.

"The glory of England she advanced to its height, and all the princes of the earth sought her love: her love was fixed on the happiness of her people, and would not be divided. The era of learning was also in her reign, and the genius of wit shone bright in the land. Spencer and Shakespeare, Verulam and Sidney, Raleigh and Drake adorned the court, and made her reign immortal. And woe unto you Spaniards, woe unto you, you haughty usurpers of the American seas; for she came unto your armada as a whirlwind, and as a tempest of thunder she overwhelmed you in the sea.

"Wisdom and strength were in her right hand, and in her left were glory and wealth.

"She spake, and it was war; she waved her hand, and the nations dwelt in peace.

"Her Ministers were just, and her counsellors were sage: her captains were bold, and her maids of honour ate beefsteaks for their breakfast.

"And Elizabeth slept with her fathers, and was buried in the chapel of King Henry VII., and James of Scotland reigned in her stead.

"James I. And Jamie thought himself a bonny King, and a mickle wise mon? howbeit, he was a fool and a pedant.

"But the spirit of flattery went forth in the land, and the great men and the bishops offered incense unto him, saying, O most sacred King! thou art wiser than the children of men; thou speakest by the spirit of God; there has been none equal to thee before thee; neither will any rise after thee like unto thee.

"Thus they abused him daily with lying and fulsome adulation; and the ear of James was tickled therewith, and he was puffed up and thought himself wise; whereupon he began to dispute with the doctors, and to decide controversies, and to write books, and the world was undeceived."

The work has lately been continued down to the present time, with an allusion to the French revolution in the following manner:—

"And after those days a great and wonderful madness broke out about a people in France; so wonderful was it, that from being wor-

shippers of kings they became in the twinkling of an eye king-killers and queen-murderers. And all that had the blood of royalty in their veins they did cruelly destroy. So great was the destruction through the land, that many thousand guillotines could not clear the prisons of their innocent victims; wherefore they drowned them in hundreds, and butchered them in thousands; and he who could invent the most speedy method to destroy the human race, was accounted worthy of all honour. And every good man, and every virtuous woman, were obliged to fly out of the land, or to hide themselves in rocks and caves from the fury of Robespierre, and the infernal masters with whom he overspread the land. And they made the house of God a repository for the engines of their destruction, and banished all the priests and religion from the land, and set up a w—e in its stead, to whom they gave the name of liberty and equality."

The next work he should quote from was one of great celebrity, on account of the wit and genius displayed in its composition, and which was in the library of every gentleman who paid attention to the public affairs of the country—a work which was admired even by those who differed most from the politics it supported: he meant "The Roliad," published by Mr. Ridgway, a respectable bookseller, and a most worthy man. In that collection of curious pieces, the twenty-second edition of which, and that not the latest, I hold in my hand, there is one entitled, *Vive le Scrutiny*, to which he begged leave to call the attention of the jury. It related to the scrutiny on the celebrated Westminster election carried on in the vestry of St. Ann's Church, Soho. It is as follows:—"*Cross Gospel the First.*—But what says my good Lord Bishop of London to this same Westminster scrutiny—this daily combination of rites *sacred* and *profane*—ceremonies *religious* and *political* under his hallowed roof of St. Ann's Church, Soho? Should his Lordship be unacquainted with this curious process, let him know it is briefly this:—At 10 o'clock the *High Bailiff* opens his inquisition for the *Perdition of Votes*, where he never fails to be honoured with a crowded audience. At 11 o'clock the *High Priest* mounts the rostrum in the church for the SALVATION OF SOULS, without a single body to attend him; even his corpulent worship the clerk, after the first introductory Amen, filing of to

the vestry to lend a hand towards reaping a quicker harvest! the alternate vociferations from church to vestry, during the different *services* were found to cross each other sometimes in responses so opposite, that a gentleman who writes short-hand was induced to take down part of the blunder-medley dialogue of one day, which he here transcribes for general information, on a subject of such singular importance, viz. :—

"High Bailiff—[The High Bailiff of that day, you must know, said Mr. Hone, is represented as having been a very ignorant stupid man.] I cannot see that *this here fellow* is a just vote.

"Curate—In thy sight shall no man living be justified.

"Mr. Fox—I despise the pitiful machinations of my opponents.

"Curate—And with thy favourable kindness shalt thou defend him as with a shield.

"Witness—He swore, d—n him if he didn't give Fox a plumper.

"Clerk—Good Lord, deliver us.

"Mr. Morgan—I stand here as counsel for Sir Cecil Wray.

"Curate—A general pestilence visited the land, and serpents and frogs defiled the holy temple.

"Mr. Phillips—Mr. High Bailiff, the audacity of that fellow opposite to me would almost justify my chastising him in his sacred place, but I will content myself with rolling his heavy head in the Thames.

"Curate—Give peace in our time, O Lord!

"Sir Cecil Wray—I rise only to say thus much, that is concerning myself; though as for the matter of myself, I don't care, Mr. High Bailiff, much about it.

"Mr. Fox—*Hear! hear! hear!*

"Curate—If thou shalt see the ass of him that hateth thee lying under his burden, thou shalt surely help him.

"Sir Cecil Wray—I trust,—I dare say,—at least I hope I may venture to think—that my Right Honourable friend,—I should say enemy,—fully comprehends what I have to say in my own defence.

"Curate—As for me, I am a worm, and no man; a very scorn of men, and the outcast of the people; fearful and trembling are come upon me, and a horrible dread overwhelmeth me!!!

"High-Bailiff—As that *fellow there* says he did not vote for Fox, whom did he poll for?

"Curate—Barabbas? Now Barabbas was a robber!"

He (Mr. Hone) should now quote a parody of the Lord's Prayer, which appeared in a public paper in the year 1807 (the *Oracle*). It ran thus:—"Our step-father, who art in Paris, cursed be thy name! thy kingdom be far from us, thy will be done neither in heaven nor in earth. (Here the Attorney-General interfered, and the defendant remarked, that the parody had appeared in a Government paper, edited, he believed, by Mr. Heriot.)

The COURT—Wherever it may have appeared, the publication was highly reprehensible—one instance of profaneness cannot excuse another.

Mr. HONE—Certainly not; but if this mode of writing has been practised by dignitaries of the church, and by men high in the State, he humbly conceived that that circumstance might be some excuse for his having been the publisher of the trifle now charged as libellous. He solemnly declared that he never had any idea of ridiculing religion, and that as soon as he was aware of the publication having given offence to some persons whose opinion he respected, however much he might differ with them on that point, he immediately stopped the sale. He even refused, after he had suspended the publication, to give a copy to an old friend; and gave such offence by that refusal, that his friend had scarcely spoken to him since. He persisted, however, in allowing no copies to go out of his custody, except three, which he gave to three different individuals, in order to obtain their opinions on the parody. In short, finding the opinion that the publication was offensive prevailing, he gave up all thoughts of proceeding with it. Had he been one who wished to ridicule religion, he should have taken a different course. He should have continued the publication and made money by it, as there was a great demand for it. In that case, he could have afforded to employ a Counsel, and would not have been reduced to the necessity of standing in his present situation before the Court and the jury.

The COURT—This observation has no relation to the point in question. You cannot be allowed to proceed in reading a pro-

fane parody on the Lord's prayer. You may state in general terms, if you please, that there is such a parody existing.

Mr. Hone did not wish to take up the time of the Court unnecessarily, and if the general reference to the parody would be sufficient for his case, he was satisfied. He should in the same way refer to others on the 2nd Book of Exodus, the 3rd Book of Chronicles, and the Book of Daniel. There was also one entitled the Land of Nineveh, written by Sir John Sinclair. Mr. Hone then produced a large sheet of paper divided into several columns in different languages, Latin, Russian, German, English. It was dedicated to the Duke of Wellington, and to the Commanders of the Russian and other allied armies, and began—"*Te Deum*:—

"Oh, Emperor of France! we curse thee.
"We acknowledge thee to be a Tyrant.
"Thou murdering Infidel! all the world detest thee.
"To thee all nations cry aloud,
"BONEY, BONEY, BONEY!
"Thou art universally execrated!" &c., &c.

Mr. Justice ABBOTT—You have read enough of it.

Mr. HONE—It is a Ministerial parody.

Mr. Justice ABBOTT—I know nothing of Ministerial or Anti-Ministerial parodies. You have stated enough of that publication for your purpose.

Mr. HONE said he perfectly understood his lordship, and was aware that the Court paid no regard to the quarter whence the parody came; it was essential to him that the jury should also understand, that had he been a publisher of Ministerial parodies, he should not now be defending himself on the floor of that Court. —It was essential to the friends of justice, that all men should stand equal, when they were brought before the tribunal of the laws. But he denied that he was placed in that situation of equality, when he was singled out by the Attorney-General to be tried for an offence, which, if it had been committed in favour of the Ministerial Party, would not have been noticed. It appeared that this parody on the *Te Deum* had been translated into various languages—into French, Dutch, German, Russian, and

Italian—for the express purpose of being read by the troops on the Continent—and it could not be doubted that it had a most extensive circulation.—He held in his hand another parody, published many years ago, called "*The Political Creed*," and a second, denominated "*The Poor Man's Litany*," neither of which had been prosecuted.

He should now call the attention of the jury to a *print* which was published at the commencement of the present year—and he did so, not for the purpose of ridiculing the print, or its object, but to show the way in which many individuals wished to convey certain notions to the minds of those whom they were anxious to reform. In this instance, recourse had evidently been had to parody. The print was called, "*The Spiritual Barometer; or, The Scale and Progress of Sin and Death.*" It was, in fact, a parody on Dr. Lettsom's "Parody of the Thermometer," before produced, and was to be seen in every print shop in the Strand. It pointed out all the gradations of vice, leading to infidelity, and ending in perdition; and the progress of religious influence ending in eternal happiness.

Another parody, which he adduced as a proof that this style of conveying information, even on sacred subjects, had long been tolerated, he should now read. It was couched in the form of a playbill, announcing the performance of a grand drama, entitled the "*Great Assize*," and the performance was, "*By command of the King of kings.*" The publication stated, that "the entrance to the *gallery* was very narrow, while that to the *pit* was extremely wide—contrary to the custom observed at mundane theatres. Between the acts, the awful air of *The Trumpet shall sound, and the dead shall be raised.* To conclude with the grand procession of saints and martyrs, shouting and exulting. No money to be taken at the door—and none to be admitted, but those sealed by the Holy Ghost." This was printed and published by George Cooke, Tower Street, a member of the Society of Friends.

He held in his hand another composition of the same species; this was a parody on a recruiting bill, beginning thus:—"Royal Volunteers, now is the time to obtain honour and glory.

Wanted, immediately, to serve Jehovah, who will reward them according to their zeal and ability, a vast number of people of all descriptions, who will, on joining the Commanding Officer, receive new clothes, proper accoutrements, and everything necessary for their appearance at the New Jerusalem."

He next came to "a copy of a letter written by our Lord and Saviour Jesus Christ, and found under a stone, eighteen miles from Judea, now transmitted from the Holy City. Translated from the original copy, now in the possession of the family of the Lady Cuba, in Mesopotamia. Blessed are those who find this letter and make it known. Many persons attempted to remove the stone under which it lay—but none could force it from its place, till a young child appeared and wrought the miracle."

The ATTORNEY-GENERAL—The misguided or the mistaken feelings which can induce such publications by any man, do not form a ground of defence for others. I, therefore, submit, that publications of this kind ought not to be read in Court.

Mr. Justice ABBOTT—It is no use to interrupt the defendant. I have repeatedly stated, that it cannot avail him, as a matter of defence, to quote a variety of profane publications. It is for him to show that his publication is not profane—and this cannot be done by quoting the example of others.

Mr. HONE—The publication which he had last noticed, was a *Christmas Carol.* It had been before the public upwards of thirty years—and he should be very sorry to read it, if it were likely to bring the publisher of it into any danger. He was sure it was far from that individual's intention to do anything wrong, that person printed various publications of the same nature which went through the country—and, in fact, they were of that description, which the common people had been accustomed to for centuries.

Mr. Justice ABBOTT—I don't care what the common people have had for centuries. If the publication be profane, it ought not to be tolerated.

Mr. HONE—It was most evident that this practice worked its own remedy. Publications of this kind could not have any effect,

except amongst persons of the most ignorant description. Millions of these Carols had been sold—and he had never heard that religion was brought into contempt by them.

The Christmas Carol attached to this publication began in the usual way—

God rest you merry gentlemen,
Let nothing you dismay;
Remember Christ our Saviour
Was born on Christmas day.

It contained verses which, to a person of the least cultivated intellect, were ridiculous; but to the lowest class of the community, who purchased these, the lowest species of literary ware, such compositions, and the ideas they conveyed, were familiar, and were not of ludicrous construction. For instance, there was a verse in this very carol which he remembered to have heard sung in the streets every Christmas since he was a child, which described the pleasure of the Virgin Mary in tending on her infant in these homely words:—

The first good joy our Mary had,
It was the joy of one;
To see her own child, Jesus,
To suck at her breast bone.

And so it went on.—[*The Attorney-General here manifested great uneasiness.*]—The Attorney-General need not be alarmed. It could have no effect even upon the most ignorant, and millions of copies had been circulated long before he came into office.

But he would now call the attention of the jury to a parody differing very much from any of those he had hitherto noticed. He alluded to the celebrated parody of Mr. Canning—yes, of Mr. Canning, who ought, at that moment, to be standing in his place, but who had been raised to the rank of a Cabinet Minister, and was one of those very men who were now persecuting him—for he could not give any milder appellation to the treatment he had received. He was dragged before the Court, from behind his counter—and for what? For doing that which a Cabinet Minister had been suffered to do with impunity. He would

assert that the Attorney-General would act wrong—that he would proceed partially and unfairly—if he did not bring Mr. Canning forward. "If I," said Mr. Hone, "am convicted, he ought to follow me to my cell—if my family is ruined, his family ought to be made to feel a little—if I am injured by this indecent, this unjust prosecution, he ought not to be suffered to escape unpunished."—This parody, after being first printed in the *Anti-Jacobin* newspaper, was re-published in a splendid work, which he now held in his hand, entitled *The Poetry of the Anti-Jacobin;* the expense of printing was defrayed by the late Mr. Pitt, by Mr. Canning, nearly all the Cabinet Ministers, and many other persons connected with that party. The parody was also ornamented by a masterly engraving by Mr. Gillray. Was it not enough to have written the parody to which he alluded, without proceeding to have it illustrated by the talents of an artist? Yet it was so illustrated.—*(A number of persons in Court here applauded.)*

Mr. Justice ABBOTT declared, if such indecent interruptions were persisted in, he would order the Court to be cleared—and he directed the officer to bring before him any person he saw misconducting himself.

Mr. HONE—The parody he alluded to was entitled "*The New Morality: or, The Installation of the High Priest.*" He understood it was levelled at a man named Lepaux, who was well known at the commencement of the Revolution, and was, he understood, an avowed Atheist. Mr. Hone said his attention was directed to the parody by a speech of Earl Grey's. His lordship had noticed this parody in his place in Parliament, and had well observed—"With respect to blasphemous parodies, he thought in common with others, that such productions should be restrained, but by the ordinary course of justice. But this disposition to profane parodies had been used for certain purposes on former occasions; and improper and profane as they were, they were pretended by some to be made in support of religion. He would recommend the noble lord, and the friends who surround him, to consider well the case of sending persons before a magistrate on charges of this nature. He held then in his hand a publication

called the *Anti-Jacobin*, which contained a parody of this description, and which he would take the opportunity of reading to their lordships." His lordship then repeated the verses. Thus the jury would see that he was supported in his opinion by Earl Grey, and the report from which he had read the extract might be safely relied on. It was from the reports lately published by Mr. Harding Evans, a most correct, and, in every respect, excellent reporter. Indeed, the authority of his reports was unquestionable. Mr. Hone said, it appeared from Mr. Evan's volume, which he used in Court, and quoted from, that Earl Grey said, if Lord Sidmouth was determined to suppress the practice of parodying, he should not confine his efforts to the prosecution of Mr. Hone, but should seek out the authors of the *Anti-Jacobin, whether in the Cabinet or elsewhere.* Mr. Hone said, his intention being thus pointed to the subject, he soon after saw this same parody in the *Courier* newspaper, with the blanks filled up, and he should read it to the Jury. It was in ridicule of certain persons in this country, who were said by the writer to be followers of Lepaux, one of the men who had made themselves famous in the French Revolution, and who was said to have publicly professed Atheism: such at least, seemed to be the assertion of the parody. It began thus—

Last of the anointed five behold, and least
The directorial Lama, sovereign priest—
  Lepaux—whom Atheists worship—at whose nod
Bow their meek heads—*the men without a God.*

  Ere long, perhaps to this astonished isle,
Fresh from the shores of subjugated Nile,
Shall Buonaparte's victor fleet protect
The genuine Theo-philanthropic sect—
The sect of Marat, Mirabeau, Voltaire,
Led by their pontiff, good La Reveillere.
Rejoic'd our CLUES shall greet him, and instal,
The holy hunch-back in thy dome, St. Paul,
While countless votaries thronging in his train
Wave their red caps, and hymn this jocund strain:

"*Couriers* and *Stars*, sedition's evening host,
"Thou *Morning Chronicle* and *Morning Post*,
"Whether ye make the Rights of Man your theme,
"Your country libel, and your God blaspheme,
"Or dirt on private worth and virtue throw,
"Still blasphemous or blackguard, praise Lepaux!

"And ye five other wandering bards that move
"In sweet accord of harmony and love,
"Coleridge and Southey, Lloyd and Lamb, and Co.
"Tune all your mystic harps to praise Lepaux!

"Priestley and Wakefield, humble, holy men,
"Give praises to his name with tongue and pen.

"Thelwall, and ye that lecture as ye go,
"And for your pains get pelted, praise Lepaux.

"Praise him each Jacobin, or fool, or knave,
"And your cropped heads in sign of worship wave.

"All creeping creatures, venomous and low,
"Paine, Williams, Godwin, Holcroft, praise Lepaux!

"And thou Leviathan!* on ocean's brim,
"Hugest of living things that sleep and swim;
"Thou in whose nose, by Burke's gigantic hand,
"The hook was fix'd to drag thee to the land;
"With Coke, Colquhoun, and Anson, in thy train,
"And Whitbread wallowing in the yeasty main—
"Still as ye snort, and puff, and spout, and blow,
"In puffing, and in spouting, praise Lepaux!"

Mr. Justice ABBOTT—Of what use is this to you, as a matter of defence?

Mr. HONE—The parody was written by Mr. Canning, who has not been molested.

Mr. Justice ABBOTT—How do you know that he is the author of it? It does not appear to be a parody on any part of the sacred writings.

Mr. HONE—I will show that it was written by Mr. Canning

* The Duke of Bedford.

—but I know it is unpleasant that his name should be mentioned here.

Mr. Justice ABBOTT—It is unjust that any person's name should be mentioned otherwise than properly. It is my duty to take care that no man shall be improperly noticed here. Whether a man be Ministerial or Anti-Ministerial has nothing to do with it.

Mr. HONE—It is my duty, though your lordship says this is not a parody on the sacred writings, to endeavour to show, with due deference, that it is.

Mr. Justice ABBOTT—As far as you have gone, it does not appear to be a parody on anything sacred. It seems to be a parody on passages in Milton and Pope. But, if you ask my opinion, I distinctly state, I do not approve of it—nor of any parody on serious works.

Mr. HONE said, he should prove that it was a parody on Scripture; and there were two lines which that contemptible newspaper *The Courier*—the proprietors of which had been abused in that production, the authors of which it now eulogised—and omitted. It was

"And——and——with——join'd,
And every other beast after its kind."

This last line was a parody from the account of the Creation in the book of Genesis; this parody had alluded to Milton, who himself was a parodist on the Scripture; but this by Mr. Canning directly parodied certain parts of Scripture. The passage representing the Leviathan referred to the celebrated passage in the Book of Job. The rest contained the turn of expression and some of the very words of the 148th Psalm, as well as the general turn of the expression of other parts.

"Praise ye him all his angels; praise ye him all his hosts.

"Praise ye him, sun and moon; praise ye him all ye stars of light.

"Beasts and all cattle; creeping things and flying fowl."—*Psalm* cxlviii., verses 2, 3, and 10.

This publication was accompanied by a plate by Gillray, a most

admirable caricaturist, since dead,* who, to the day of his death, enjoyed a pension from his Majesty. In that print, which he held in his hand, the late Duke of Bedford was represented as the Leviathan of Job, with a hook in his nose, and with Mr. Fox and Mr. Tierney on his back. The passage in Job was, "Canst thou draw out Leviathan with an hook; or his tongue with a cord which thou lettest down?"—Chap. 41, verse 1. He had been advised to subpœna Mr. Canning as a witness, but he had really abstained from a regard to Mr. Canning's feelings. He had reflected what an awkward figure Mr. Canning would cut if he were placed in the witness box, to answer questions which he should put to him. He did not wish unnecessarily to hurt any man's feelings, and he had not thought such a course necessary to his defence. The work which contained this was, as he said, published by a general subscription of the Ministers of the Pitt and Canning school, and the notoriety of the nature of that publication was sufficient for his purpose. Now it was plain that the object of Mr. Canning's parody was the same as that of his own—it was political; and it proved that the ridicule which the authors of the parodies attempted to excite, was not always intended to fix on the production parodied.

He had not exhausted the subject, but he was afraid of exhausting the patience of the jury. He must, however, mention one thing which, in addition to those he had already stated, proved that persons of the most strictly religious character did not regard the mixing up of profane and sacred subjects with the same sort of horror which the Attorney-General appeared to do. Mr. Rowland Hill† had remarked in his chapel, that the devil had some great beauties, and had followed up the remark by appropriating secular tunes to hymns: one hymn was sung at Surrey chapel to

* Born, 1745. Died, 1815.

† Minister of Surrey Chapel, Blackfriars Road, was born at Hawkstone, near Shrewsbury, in 1744, and during a period of fifty years was the minister of this chapel. He occasionally illustrated the most solemn truths by observations which savoured more of the ludicrous than the pathetic. His writings are numerous, and one of them, entitled "Village Dialogues," had a great run of popularity. He was not sparing of wit, humour, or sarcasm, whenever he could make them subservient to his purpose. He died in 1833, aged eighty-eight.

the air of *God save the King*, having an appropriate burden—another was adapted to the tune of *Rule Britannia*, the chorus to which was—

"Hail Immanuel! Immanuel we adore,
And sound his praise from shore to shore."

He could not recollect all the tunes he had heard there—but one of them, that of "*Lullaby*," was a peculiar favourite. There was also a selection of tunes adapted to the Psalms and Hymns of Dr. Watts and others. These tunes were selected by a respectable Baptist minister, now living, the Rev. John Rippon, Doctor of Divinity. Amongst these was a hymn, commencing—

"There is a land of pure delight,
Where saints immortal dwell;"

which was set to the tune of

"Drink to me only with thine eyes,
And I will pledge with mine."

There was also one to the tune of "*Tell me, babbling Echo, why*," —another, commencing

"How blest are they whose sins are covered o'er."

was to a tune in one of Mr. Corri's operas. There were, indeed, several similar instances in this and other books of melodies for Divine worship. This book of Hymn Tunes contained "*When war's alarms called my Willy from me*," and one hymn was set to "*Buonaparte's March*." These different instances proved that those who had the most decided religious feelings might make use of profane or secular means for the purpose, not of bringing religion into contempt, but of supporting it. It was the intention that constituted the libel, and not the mere act of publication. They all knew very well how guarded the Jewish Law was with respect to homicide. If a man committed homicide, he was put on his trial for it—but whether it was justifiable, or unjustifiable, or accidental homicide, depended on the circumstances under which it was committed. If a man striking a blow with an axe at a tree, caused the head of the axe to fly off, and a man was thereby slain, though the circumstance was to be deplored, yet it

was but accidental homicide, and the person who committed the deed, not having intended it, would not be punished. But, if a person stabbed another with a knife, designedly, it was murder. The same distinction should be taken in this case—and he utterly denied that he had the slightest idea of offending or injuring any person when he published the parody. He had thus shown that there was no practice in the annals of literature more common than that of parodies on sacred or devotional writings; that they had been written by the highest and most dignified Members of the Church—by the Father of the Reformation—by the Martyrs of the Church of England—by men to whose motives not a shadow of suspicion could attach—in all times—in all manners—in defence of the Government and the Church itself—that at no time had it been condemned by Courts of Justice—and now for the first time a friendless, and, as his persecutors hoped, a defenceless man, was fixed on to be made a sacrifice for this sin, which had been cherished and applauded for centuries. He was told that these productions of Reformers, of Martyrs, of Dignitaries, of Clergymen, of Ministers, and Pensioners, had been illegal. The judge told him so. He denied it. What proof did the judge produce —in what instance had one of those productions which he had read, or of coach loads of others which he might have read, been condemned or even prosecuted. He should now attempt to prove that he had not that intention which was charged in the indictment, to create impiety and irreligion. From the beginning to the end of the production in question, the subject and the object was political. It was intended to ridicule a certain set of men, whose only religion was blind servility, and who subjected their wills and their understandings to persons who, they thought, would best promote their sinister interest. The principles which he ascribed to these persons were so enumerated as to contrast with the duty which Christianity enjoined; and the Christian principles shone more bright as contrasted with infamous time-servingness. Was it to be supposed that the Ten Commandments, which contained all the great principles of morality, as well as religion, could be debased by a comparison with another set of Command-

ments, framed in somewhat the same form, but the principles of which were as detestable and noxious as those of the first were respectable and beneficial? Was the Lord's Prayer to be ridiculed by placing in contrast with it the Prayer of a Ministerial Member? It was evidently impossible that such could have been his intention. As an honest man, speaking before those whose esteem he valued, he declared that it was not his intention. The Political Catechism was charged as an impious and wicked publication, tending to excite irreligion in the minds of his Majesty's subjects. But he would prove to the jury that it had not been disseminated with any intent to bring religion into contempt, for it was a matter purely political. If they could find a passage in it that, in any way, tended to turn anything sacred into ridicule, he called on them to find him guilty; but, if they could not discover such a passage, he demanded an acquittal at their hands. Let the jury look to the Catechism. It commenced thus—

Q. What is your name?—A. Lick Spittle.

Q. Who gave you that name?—A. My Sureties to the Ministry, in my Political Change, wherein I was made a Member of the Majority, the Child of Corruption, and a Locust to devour the good things of this Kingdom.

The majority meant those who were always ready at the beck of the Minister—the corruption was that which was known to exist in the House of Commons, and was as notorious as the sun at noon-day.

Q. What did your sureties then for you?—A. They did promise and vow three things in my name. First, that I should renounce the Reformists and all their Works, the pomps and vanity of Popular Favour, and all the sinful lusts of Independence. Secondly, that I should believe all the Articles of the Court Faith. And, Thirdly, that I should keep the Minister's sole Will and Commandments, and walk in the same all the days of my life.

Surely it could not be denied that the friends of the Minister did renounce the Reformists—they could not be his friends else. If Mr. Canning were here he would admit this. Mr. Hone said if

he went through the whole of the *Catechism*, it would be found, like the extracts he had quoted, entirely political, and not at all intended to bring religion into contempt. But it was said that the publication of similar parodies, during two centuries, did not justify the act. It might be so—but it would be a most cruel hardship if he, who, from the long continuance of the system had been induced to adopt it, should be punished for that which his predecessors and contemporaries did with impunity. In his opinion the existence of such publications for so long a time proved that they were not libellous—for, if they were, they would have been prosecuted. But they had not been prosecuted—not even in times when judges on the Bench told the jury that they had only to find the fact of publication, but that they were not to decide the questions of libel or no libel. His Majesty's Secretaries of State, who ought to be the conservators of the public morals, had committed high treason against the peace and happiness of society, if, believing such publications to be libellous, they had suffered them so long to exist unnoticed. They had now, however, selected him for punishment—but, he was sure, the good sense and excellent understanding of Mr. Attorney-General must have led him to think that the selection was not a just one. Whether he went home to his distressed family, or retired in the custody of Mr. Jones's gentlemen,* he should leave the Court conscious that he was innocent of any intention to bring the religion of his country into contempt. If suffering the sentence he was sure to receive, should he be found guilty, and he were placed within the walls of a dungeon, with a certainty that he should never see his family again, still he should, to his dying moment, deny that he had ever published those tracts in order to ridicule religion—[*Loud cheering*]. The Attorney-General, and every man with whom laws originated, would do well to render them so clear that they could be easily understood by all—that no person could be mistaken. Was it to be supposed that he, with a wife and a family of seven children, would, if his mind were ever

* Marshal of the King's Bench Prison, who was present in Court with his tipstaves.

so depraved, have sat down and written a libel, if he were aware that it was one? None but a *maniac* would act so indiscreetly. There were, however, very few men who understood the law of libel. It was, in fact, a shadow—it was undefinable. His lordship called this publication a libel—but he would say, with all due deference, that his lordship was mistaken. That only could be called a libel which twelve men, sworn well and truly to try the cause, declared to be one. He would not occupy their time much further. It was an important feature of his defence to show that parodies might be written, in order to excite certain ideas, without any desire to turn the original production into ridicule. He thought he had already shown that this was not the case; he thought it was pretty clear that Martin Luther did not mean to ridicule the Psalms; that Dr. Boys, the Dean of Canterbury, did not mean to ridicule the Lord's Prayer; that the Author of the "Visitation Service for a sick Parliament," published by a zealous partisan of Charles I., did not mean to ridicule the Service of the Church of England; that Mr. Canning did not mean to ridicule the Scripture nor Milton. Why, then, should it be presumed that he had such an intention? In *The Spirit of the Journals* was to be found the following parody on *Black-eyed Susan.* It was well-known to have been written by Mr. Jekyll, now a Master in Chancery, and certainly no man could say that that gentleman meant to turn Gay's beautiful poem into ridicule:—

"All in the Downs the fleet was moor'd,
The streamers waving in the wind,
When Castlereagh appeared on board,
Ah, where shall I my Curtis find!
Tell me, ye jovial sailors, tell me true,
Does my fat William sail among your crew?

William, who high upon the poop"——

Mr. Justice ABBOTT—"You need not go on with that parody. It is no defence for you. How can a parody, ridiculing any person, be material to your defence?"

Mr. HONE—"I will prove that it is."

Mr. Justice ABBOTT—"Prove that it is, first, and then read it. It is my duty to prevent the reading, in a Court of Justice, of productions ridiculing public or private characters."

Mr. HONE—"May I ask your Lordship whether, in your judicial character, you have a right to demand the nature of the defence I mean to make?"

Mr. Justice ABBOTT—"Certainly not; but when you quote that which is apparently irrelevant, you are bound, if called on, to show its relevancy."

Mr. HONE—"This is a whimsical parody, and my object is to show, that the humour of it does not tend to bring the original into contempt. It is a case in point—and no person can suppose Mr. Jekyll intended to ridicule the original."

Mr. Justice ABBOTT—"You have read enough of it for your purpose, which is to show that the parody is not intended to turn the original into ridicule."

Mr. HONE—Your lordship and I understand each other, and we have gone on so good humouredly hitherto, that I will not break in upon our harmony by insisting on the reading the remainder of this humourous parody. He was sorry he had occasion to detain them so long, though for his own part he was not half exhausted. He was, however, obliged to mention some publications which he had before omitted, and which would strongly show the impunity which publishers of works of a description similar to his own had enjoyed. These were *graphic* parodies by way of parody on Mr. Fuseli's* celebrated picture of *The Night Mare*. The parody was intended, not to ridicule the work of that celebrated artist, but to create a laugh at the expense of a late very respectable Chief Magistrate of London, whom he would not name, remarkable for his exertions to clear the streets of women of the town. He now called their attention to another caricature, entitled "*Boney's Meditations in the Island*

* Or Fuessli, the more correct way of spelling the family name, was born at Zurich, in 1741; became a Royal Academician in 1790. The works of Fuessli were popular in his time, but are now almost forgotten. His death took place at the house of Lady Guildford, Putney Hill, where he was on a visit to her ladyship 16th of April, 1825, in the eighty-fourth year of his age.

of St. Helena; or, The Devil addressing the Sun." This was a parody on Milton, not turning the passage from that part into ridicule, but meant to ridicule Buonaparte. The Prince Regent was the *Sun*, whom Buonaparte was supposed to address:—

> "To thee I call, but with no friendly mind,
> To tell thee, George, Prince Regent, how I hate,
> Whene'er I think from what a height I fell."

He next produced a parody, by Mr. Gillray, entitled, "Would you know Men's Hearts, look in their Faces." In this Mr. Fox was depicted as the arch-fiend—Mr. Sheridan, as Judas Iscariot—Sir Francis Burdett, as Sixteen-string Jack, &c. &c. In another of those graphic parodies, Lord Moira was represented endeavouring to blow out a candle, in allusion to a story which he related in the course of his speech on the Watch and Ward Bill, relative to a poor woman who was ill-treated, because, after a certain hour, she continued to keep a candle lighted in order to attend on her sick child. Another of those parodies was called *The Reconciliation*, the inscription to which was taken from *The New Testament;* and the print itself was a parody on the parable of the Prodigal Son: "And he rose, and came to his father's servants, and he fell on his father's neck, and kissed him (who was represented falling on his father's neck), saying, 'I have sinned against Heaven, and am no longer worthy to be called thy son.'" Who was meant by either father or son, he would not say, but the gentlemen of the jury might satisfy themselves on that point. It was engraved by Mr. Gillray. He would now advert to another parody. It was denominated, "*The Impious Feast of Belshazzar.*"* It was a complete parody—but no man could suppose that Mr. Gillray, who engraved it, meant to ridicule the Scriptures: it was designed to ridicule Napoleon. At the time he published it, Mr. Gillray was pensioned by his Majesty's Ministers.

Mr. Justice ABBOTT—"You must not make these assertions."

Mr. HONE—"I can prove it."

* Published under the title, "*The Handwriting upon the Wall*," 24th August, 1803.

Mr. Justice ABBOTT—"But, if you can prove that he, being pensioned, published those things, will that form a defence for you?"

Mr. HONE—"My Lord, I have no pension."

Another of these prints, one of Mr. Gillray's master-pieces, was produced by Mr. Hone, entitled the "*Apotheosis of Hoche*," the French General of Division, to whom the expedition against Ireland, planned by the Directory, was entrusted. It represented Hoche in tri-coloured robes, with his jack-boots falling from his legs, and with a halter round his head in the form of a wreath, a guillotine in his hand as a harp, on which he seemed to be playing. In this shape he was represented as ascending to heaven; but to what heaven? There was the rainbow, indeed, spoken of in the Revelations; but above, instead of seraphim and cherubim, which are represented as surrounding the throne of justice and mercy, were grotesque figures with red night-caps, and tri-colour cockades, having books before them, on which were inscribed *Ça ira* and the Marseillaise Hymn. Instead of angels were Roland and Condorcet, and Marat, and Petion, and many nameless figures with poison, and daggers, and pistols, and the different implements of death. The holy army of martyrs were parodied by headless figures holding palm-branches. But this was not all—the symbol of the mystery of the Trinity—of the Triune Essence of the Divinity was represented by a triangle, with a plummet, in the midst of which was inscribed EQUALITY; and from it, instead of rays of glory, daggers and bayonets were represented diverging. Under this triangle, were the Ten Commandments, beginning "Thou shalt have no other God but me," meaning "Equality," which was inscribed above "Upon the thirtieth and fortieth generation shalt thou have no mercy at all."

Mr. Justice ABBOTT—"This is a profane parody on the Ten Commandments, and I cannot suffer it to be read in this Court. You may state, generally, that a parody was published, where the Deity alluded to was Equality. It is a wicked publication."

Mr. HONE—"It was on the right side—that made all the difference."

Mr. Justice ABBOTT—"I know nothing of a right or wrong side, in those cases."

Mr. HONE—"It was very well, as it was written for Administration. Mr. Gillray, who published these things to serve the purposes of the Administration, had a pension for his parodies."

The ATTORNEY-GENERAL said that it was not before the Court that Mr. Gillray had a pension. They knew nothing of Mr. Gillray. He had no pension.

Mr. HONE said he had his information on this subject from the relations of that gentlemen. He then produced another print by Mr. Gillray, which was a parody on the taking up of Elijah, and the leaving his mantle to Elisha. And who was in the place of Elijah and Elisha in Mr. Gillray's print?—Why, Mr. Pitt was taken up to Heaven, and his mantle was left to his political associates, among whom were the present Ministry—those who instituted this prosecution. While they encouraged these applications of Scripture by their partisans, for it was absurd to suppose that such things would have been done if they were disagreeable to them, by such a man as Mr. Gillray; while they pensioned this gentleman was it decent to single out one of their political opponents and to persecute him under the guise of a regard for religion? Was it decent to do so in the case of a parody, the whole object and intent of which was political, and that too when they could not produce a single instance in support of their practice? Was it possible to mistake the object of this? Mr. Hone hoped that the Attorney-General would bring Mr. Canning to justice—*(Cheering)*. He knew not what power the learned judge might have to effect that object—but he knew the Attorney-General had much—and he trusted he would use it to bring his masters to justice.

The ATTORNEY-GENERAL—I have no master but my sovereign.

Mr. HONE—I beg pardon, it was an awkward expression, and I assure Mr. Attorney-General, I meant it in no offensive sense. Mr. Hone said he had already suffered much—he had been long imprisoned—he was then liberated on his recognisances, and he was led to imagine that the prosecution was dropped. It was

renewed after a long interval—he had passed nights of anxiety and agony pending these prosecutions, and he was brought to defend himself under all the disadvantages which a poor and unfriended man could labour under. The public had been prejudiced against him. The newspapers throughout the country were filled with false and ignorant charges against him; his character was blasted. Yet, be the result of this trial what it might, he was glad he had had an opportunity of defending himself, and he felt that he had done so to the satisfaction of every honest man—and next to the consciousness of innocence, that was what he valued most. He now stood clear with those, who, if they had supposed him guilty of blasphemy, would have grinned at him as a monster, and he should rest in peace as to the result. He should bring witnesses to show that as soon as he had found that the parodies were deemed offensive he had suppressed them; and that one person, previously intimate with him, had renounced his acquaintance, because he would not furnish him with copies. This was long before they were prosecuted, and having done this to satisfy the objections of respectable persons to publications which he considered to be perfectly lawful, he would leave it to the jury to say whether it was clear from the work itself, and from his actions—having those great examples which he had adduced—whether it was clear that his *intention* was not to ridicule the Ministerial Members, but to produce impiety, and to bring religion into contempt.

Mr. Hone, towards the end of his speech, was much affected. In the course of it there were some tokens of applause in the Court, but they were soon silenced by those who felt the impropriety of such demonstrations. He was also interrupted by Mr. Justice Abbott in some other instances not noticed, but the substance of the learned judge's objections to the course adopted by Mr. Hone in his defence has been stated.

EVIDENCE FOR THE DEFENCE.

George Butler, of Castle Street, Southwark, deposed, that he called at the defendant's house about April last, with a view to purchase, for sale again, some copies of "Wilkes's Political Catechism," but that the shopman, as well as the defendant himself, refused to let him have any; that this refusal served to interrupt a friendship of twenty years' standing which he had had with the defendant; that his discontent at the refusal was aggravated by the circumstance of his being able to purchase copies of the Catechism elsewhere, after that refusal took place. To a question from the judge, witness replied, that he could not say whether the refusal he had mentioned took place before the present prosecution was commenced.

Wm. M'Donnell deposed, that he was the shopman of Mr. Hone, and had immediately succeeded Benjamin Grimsen; that he was never allowed to sell "Wilkes's Catechism," although several persons applied to him for it; some of those applicants having tendered half-a-crown and more for a copy of it, while one offered a pound note. To a question from the judge, witness answered, that he entered into the defendant's service about the beginning of April last.

Benjamin Grimsen deposed, that he was the defendant's shopman at the time the sale of the parodies was stopped by order of defendant. Witness entered into defendant's service at the beginning of January last, at which time the sale of the parodies was very considerable. They were, indeed, in the highest sale at the time they were stopped. There was a great deal of application for them both by private individuals and by booksellers, after the sale was stopped. To questions from the judge, witness replied, that the sale of "Wilkes's Catechism" continued for about five days, and that he could not tell how many copies of it had been disposed of.

Mr. Hitchins deposed, that he had applied in vain at the defendant's shop, about the beginning of March last, for copies of the parodies, including "Wilkes's Catechism"—that he did not know

anything about those parodies, until he heard of their having been prosecuted, and then from curiosity he became anxious to see them.

The ATTORNEY-GENERAL then rose to reply—Had the defendant called no witnesses after the speech he had made, it would have been his (the Attorney-General's) duty to have made a few observations to the jury. Many parts of the address of the defendant were wholly irrelevant and required no comment; but there were others which, though scarcely more pertinent, demanded some notice on the part of the Crown. The defendant had expressed his personal obligations to him for what were termed favours. He (the Attorney-General) had done no more than his duty in this respect. The defendant transmitted to him certain questions, framed in a style of great propriety, and the information given in reply was such as every individual in the situation of the defendant might fairly require. He (the Attorney-General) always felt disposed to give assistance to defendants when it was consistent with the observation of the strict line of his duty; he felt no animosity to persons he prosecuted; and when they conducted themselves towards him as Mr. Hone had done, he should always be ready to afford them all reasonable facilities. Observations had been made upon the supposed renewal of this prosecution after the defendant had been permitted to go at large. It had not been renewed; it had been continued in all the regular forms. In striking juries the Master of the Crown Office had nothing to do with making up the book from which he was to select the names; that duty belonged to others; and it had been found that a small book previously used had not been composed in a proper manner. Other lists were accordingly returned to the Crown Office. Under such circumstances as the first, juries appointed for the trial of the defendant had been nominated from the smaller book; it was thought right on the part of the prosecution to abandon them, and procure others to be selected. If there were any error, it was not on the part of Mr. Hone; and although he had been arrested and imprisoned, as the trial could not come on until the present term, he (the Attorney-General) thought it right that he should be

discharged on his own recognisance, to appear on a future day. That day had now arrived; and the jury were called upon to decide, not on any new proceeding, but upon that originally commenced and regularly continued; the delay had not arisen from any intention to abandon the prosecution, but that the whole might be conducted in a manner completely unexceptionable. The defendant had stated that he had suppressed this libel soon after its first appearance: it might be so, but that fact could have no effect upon the verdict: the insertion of it in the affidavits on a future occasion would no doubt have its due weight with the Court, should the defendant appear to receive sentence; the jury had now only to decide whether the paper had been published, and whether it was a libel. Of all men Mr. Hone seemed the fittest object for prosecution: he was at least the original publisher, if not the author: the title stated, that it was from an original MS. of the late John Wilkes, never before given to the world; and if Mr. Hone had not actually written it with his own hand, he had been the means of its first and most extensive circulation; if not the author of the tract, he was the author of its publication; the form and price at which it was given out, further pointed out the defendant as the most proper object of a proceeding like the present; he might have stopped the publication as far as concerned himself, but how was it possible for him to prevent its wide dissemination by others? In the course of his defence he had produced a great number of books and prints, some were of high authority; but all men must regret that names so eminent were affixed to publications so unquestionably injurious; and it was certainly the first time any attempt had been made by a person to vindicate himself by showing that others had offended. Was it to be endured that a man should thus vindicate his misconduct—that he should be allowed to show that he had been guilty of no offence, because he had, as it were, a prescription in crime? He (the Attorney-General) would assert most boldly, that all the parodies upon the Holy Scriptures that had been read were in fact libels, and in this class were included the productions of some of the most venerable names; men to whom mankind were indebted, not only

for the precepts, but the examples of piety and virtue. If they had profaned the sacred writings, as the defendant had asserted, and by some of his quotations proved, they were so far libellers. One of these was Martin Luther, a name as much known as reverenced—a strenuous, able, and pious reformer, to whose exertions we were indebted for many important blessings; if he had parodied a text of Scripture he was a libeller, and in his character, as in that of many others of his times and temper, zealous advocates and heated partisans were marks of intemperate haste which led to the employment of expedients not in themselves to be vindicated: they had fought a glorious battle, and achieved a brilliant victory; but in doing so, their conduct had not been unexceptionable, which, no doubt, in their latter lives they often repented, more especially when the time arrived that they were to settle the account between their consciences and their God.

[Violent coughing, and other marks of disapprobation, on the part of the spectators, here interrupted the Attorney-General. Mr. Justice Abbott declared his determination to order the Court to be cleared if decorum were not observed.]

The ATTORNEY-GENERAL proceeded to observe, that in publishing his work against Zuinglius, and in parodying the Holy Scriptures, Luther had brought odium and contempt upon his cause; the same remark would apply to Dr. Boys, who, in employing the Lord's Prayer as he had done, had been guilty of a libel upon that divine ejaculation. The authority of Lord Somers had also been quoted—a dignified and a pious man; but it not unfrequently happened that individuals of most exemplary lives, at some period or other, wrote what they afterwards most devoutly wished had never proceeded from their pen: officious friends now and then thrust into the world what the author intended for oblivion, but what he had not had the caution to destroy after he had had the imprudence to write. It might be so with Lord Somers; but whether it were or were not, if he had parodied any part of Holy Writ, he had so far injured his own reputation, and brought ridicule upon the most sacred and valuable production. All parodies upon portions of the Bible were not offensive in the eye

of the law: some might be intended to answer the most pious and laudable purposes. They were not impious libels any more than the Hymns of Dr. Watts were, stripped of their beauty or piety, because they were adapted to profane tunes. The defendant had alluded to some of these, but it was astonishing that he did not perceive that they had no application to the question. The translation of the Psalms sung on every Sabbath, might, in some sense, be considered a parody; but who would say that it was impious and profane, and calculated to excite irreligion? The distinction was this:—A parody became a libel when its tendency was to excite in the mind ludicrous ideas regarding the thing parodied—when, as in this case, its object is to bring into contempt and ridicule the Sacred Book from which the offices of religion were performed. Mr. Hone had asserted that, if the party had it not in his contemplation to excite irreligion, it was not a profane parody; but was every man to be regardless of the effect of such productions?—was he to issue to the world his impious works, and to excuse himself from guilt, after all religion and morality had been destroyed, by stating that he had some other design? If that were allowed, what would soon become of that sacred fear, that reverential awe, with which the inspired writings ought to be perused? The pamphlet before the jury was so injurious in its tendency, and so disgusting in its form, that any man, on the first reading, would start (he had almost said) with horror from it; it was like an infecting pestilence, which every man shunned that valued his safety. Mr. Hone had talked much about his family, and he (the Attorney-General) had heard him with astonishment. He might be a Christian; no doubt he was as he had professed; and all men, of whatever persuasion, who worshipped God with purity of heart, were entitled to admiration, to the love of their fellow-creatures; but if the defendant were really a Christian, if he were a man who felt an affection for his family and for their future welfare, for their religion and their morals, how was it possible for him to publish this parody? Could he seal hermetically the eyes and ears of his children, that the poison should not enter their minds; or if not, how could he hope for a moment that they would

not be infected with that impiety which such writings must inevitably excite? Would children be able to resist that which people of mature years and judgment could not avoid? If men, when repeating the prayer dictated from the mouth of their Saviour, could not expel some tincture of the ludicrous raised by this libel, could it be hoped that infants would escape? Religious awe was the best and strongest impulse to obedience; and what obedience could be expected to the Commandments of God from those who were taught to ridicule and contemn them? It had been asserted by the defendant, that that only was libel which a jury had pronounced to be so. True it was, that the law of England had settled, that the jury should determine upon the question of libel or not libel; but in the very same Act of the Legislature was a clause which enabled, indeed called upon the judge, to declare his opinion upon the subject; it was not to depend merely upon caprice, or the hasty impression upon the mind of any man. The question was, however, at last with the jury; and if some consistency were not observed, if some standard were not laid down, no man could be able to decide before publication what was or was not libellous. He entreated the jury to take the libel into their hands, to consider it calmly and dispassionately; and, comparing it with what it was designed to ridicule, to determine whether it were not a wicked, impious, and profane libel; it required no comment, it spoke but too plainly for itself. In thus calling upon the jury, he did not by any means intend to infringe upon the fair and legitimate discussion of doctrinal or mysterious points of religion, but he did intend to call in their aid to suppress what (to borrow a word from the prints exhibited by the defendant) might be fitly termed a caricature of the holy offices of the church. The intention of the party was to be gathered only from his acts; and even though the jury should be of opinion that the primary object of the defendant was not to ridicule and bring into contempt any part of the established forms of Divine worship, if that had been done incidentally, if it had been a secondary purpose and consequence, it would still be their duty to find him guilty.

Mr. Justice ABBOTT commenced his charge, by stating more particularly the form of the information. The offence charged, was the publication of a libel, with design and intent to promote impiety and irreligion: the chief part of the defence had been occupied in an attempt to show that no such design or intent existed; but if they were apparent on the face of the production, if it were obvious on inspection that such was a necessary consequence, the law presumed that the party publishing had it in contemplation at the time of publication. Provided the jury were satisfied that the libel had the tendency charged, its form and cheapness were calculated to accelerate its circulation, and more widely to disseminate its baneful effects. The discontinuance spoken of by the defendant could not alter the fact of publication; and though he might feel an early repentance, and suppress the work a few days after its appearance, the crime was already completed, and the verdict could not be altered, though the sentence of the Court might be affected by any indication of contrition. The proceeding by information was known to the ancient law of the land; it derived its authority as far back as the proceeding by indictment; and whether the one or the other were pursued, could be a matter of no importance to the jury; in the one and the other the Attorney-General would equally have his right to reply, even though no evidence were called for the defendant. It had been suggested that the Master of the Crown Office ought not to have the nomination of special juries; that he was to possess that power had been settled by an act of the reign of George II. He was furnished by the sheriff with a book or list, and from that he selected, as he was bound, the names of 48 persons, fit to serve on special juries; each side had a right to strike out 12, and the remaining 24 jurors were returned for the trial of the question. In ordinary cases the sheriff, an officer also named by the Crown, had the duty of returning juries, and the proceedings in the Crown Office was as nearly as possible analogous. His lordship made these observations in consequence of what had fallen from one of the jury regarding what had appeared in the public prints; what the nature of those productions were, he did not

know; but his lordship was well assured of this—that one of the greatest evils known in the present day was, that matters to be brought under the view of a jury were previously made the subjects of discussion in the newspapers, so as to produce unfair impressions on the one side or on the other, and to interfere with the impartial discharge of a most important duty. At the same time, his lordship was persuaded that none of the gentlemen he now addressed had entered the box with any improper bias or predisposition: if the defendant, as he stated, had been vilified and defamed, it was the duty of the jury not to allow what they had heard out of Court to have the slightest influence upon them: the verdict was to depend upon a conscientious conviction as to the nature and tendency of the libel. The Attorney-General had said, and truly, that the Christian religion was part of the law of the land, and any offence against it was therefore an offence against the law; the defendant maintained that the application of the libel was purely political, although a religious form had been adopted; but admitting the fact, it did not follow that the tendency of it was not to promote profaneness and irreligion. As an authority against it, and a higher could not be stated, his lordship should quote one of the very commandments parodied. "Thou shalt not take the name of the Lord thy God in vain, for the Lord will not hold him guiltless that taketh his name in vain." Did not this libel take the name of the Almighty in vain? Did it not, allowing it to be political in some degree, apply the sacred appellation of the Creator to light and trivial matters? Was it not an application of the offices of religion and public worship to matters comparatively insignificant? His lordship then proceeded to read and comment upon the early part of the libel, observing, when he arrived at the parody of the Lord's Prayer, that it was unnecessary further to shock the ears of the jury; the publication would be handed to them, and they might judge for themselves. It was contended that this was not an offence, because parodies existed on different parts of the sacred writings, and the service of the church; that Luther, Dr. Boys, and others, had written them: if they had, it was a matter of deep regret: their zeal and

warmth might have misled their judgment, and induce them to utter or publish what, in calmer moments, they would have repented and condemned. The employment of the style of Scripture narrative was in itself a high offence, but not if a complexion so serious as that with which the defendant was charged: even the parody of Psalms made by Milton, could not be approved more than that which the defendant had read, and which, in truth, seemed to be a parody of Milton. None of these instances could, however, furnish the slightest excuse to the defendant. Caricature prints had indeed no relation to the question before the Court: but in as far as they tended to bring religion and its duties into contempt or ridicule, so far as they were offences. The question here was not, what had been done in former times, but what the defendant had done in the present: it was no question whether he were or were not in himself a religiously disposed man; it was to be hoped that he was so; but it could neither increase nor diminish the measure of his criminality. Although it was the business of the jury to determine the questions of libel or no libel, it was expected of the judge that he should deliver his opinion upon the nature of the publication: the verdict was, however, to be the verdict of the jury according to their consciences, and the opinion of the judge was to assist and not to direct them. His lordship was fully convinced that the production was highly scandalous and irreligious, and therefore libellous; but if the jury were of a different sentiment, their verdict would of course be an acquittal. It, however, seemed to admit of no doubt or difficulty; the design and effect were plain upon the face of the libel; and to young and unexperienced minds the consequences of a perusal might be most injurious. What but a feeling of impiety, if not of ridicule, could exist on the mind of a child during divine service, if on the Saturday night or Sunday morning this publication had fallen in its way? His lordship then handed the publication to the jury, desiring them to read it attentively, and to make up their minds upon its object and effect.

Mr. HONE requested that the jury should be furnished, before they retired, with a copy of the information.

His lordship accordingly handed to the jury an official copy of the information, and a Prayer-book.

The jury then withdrew, and returned to the box in less than a quarter of an hour. Their names were called over, and Mr. Law, in the usual manner, inquired whom they had appointed to speak for them as foreman?

It being signified that Mr. Bowring had been directed by his fellows to deliver the verdict, Mr. Law asked him whether the jury found the defendant, William Hone, guilty or not guilty.

Mr. BOWRING replied in a firm voice,—NOT GUILTY.

The loudest acclamations were instantly heard in all parts of the Court; *Long live the honest jury*, and *an honest jury for ever*, were exclaimed by many voices: the waving of hats, handkerchiefs, and applauses continued for several minutes. When order had been somewhat restored, Mr. Justice ABBOTT interposed, and desired that those who felt inclined to rejoice at the decision, would reserve the expressions of their satisfaction for a fitter place and opportunity. The people accordingly left the Court, and as they proceeded along the streets, the language of joy was most loudly and unequivocally expressed; every one with whom they met, and to whom they communicated the event, being forward to swell the peal.

The trial of the Information against Mr. Hone, for a parody on the Litany, was ordered by the Court to come on the next morning at half-past nine o'clock.

SECOND TRIAL.

THE KING *AGAINST* WILLIAM HONE,

ON AN EX-OFFICIO INFORMATION FOR PUBLISHING A PARODY ENTITLED

"THE POLITICAL LITANY."

TRIED IN GUILDHALL, LONDON, ON FRIDAY, DECEMBER 19, 1817, AT THE LONDON SITTINGS AFTER MICHAELMAS TERM.

BEFORE LORD ELLENBOROUGH AND A SPECIAL JURY.

IT having been announced by the Attorney-General, at the close of the first day's proceedings, that he intended to persevere in the trial of the second information against Mr. Hone, the curiosity of the public became so intense this morning, as well on account of the importance of the case, as of the triumphant defence of Mr. Hone the former day, that at a very early hour all the avenues of the Court were literally blocked up by a multitude of spectators, anxious to become auditors of the proceedings; and when the doors of the Court were opened not one-twentieth part of the multitude could find standing accommodation.

It was generally supposed, as indeed might naturally have been expected, that Mr. Hone having been acquitted on one of the informations, the Attorney-General would not proceed against him on any of the others. It appeared, however, that this was a supposition unfounded in fact; and at a quarter after nine Mr. Hone entered the Court, followed by several large bundles of books, regularly tied up. He took his station at the end of the court

table, and having untied them, he ranged them before him, covering nearly a fourth of the table.

At twenty minutes before ten Lord Ellenborough entered the Court, and took his seat on the bench. His lordship's appearance was unexpected, Mr. Justice Abbott having presided on Mr. Hone's trial the day before. The Attorney-General, and other Counsel for the prosecution, next entered, and took their places.

Lord ELLENBOROUGH—Are the Sheriffs in Court?

The UNDER SHERIFF—They are not, my Lord.

Lord ELLENBOROUGH—Then let them be immediately sent for.

The Sheriffs were then sent for.

The Hon. Mr. LAW, Clerk at *Nisi Prius*, then called on the case of the KING *v.* WILLIAM HONE, and desired the gentlemen on the Special Jury pannel to answer to their names. Six of these gentlemen only appeared; when the officers of the Crown were asked if they would pray a *tales?*

The ATTORNEY-GENERAL remained for some minutes in doubt; and, after consulting with the other Counsel for the Crown, nodded assent to the question; and, accordingly, six common Jurymen were put into the box. JOHN AUSTEN, shoemaker, of Aldgate, answered to his name, and was challenged by the Crown. The Jury, which was composed of twelve of the most respectable and independent men in the city of London, were then sworn.

THE JURY.

RICHARD WILSON, Great Eastcheap.	*Talesmen.*
JOHN LINDSAY, Lawrence-Pountney Lane.	JAMES JONES.
RICHARD THORNTON, Old Swan Passage.	JAMES SMITH.
WILLIAM GILLMAN, 54, Bread Street.	JOSHUA THORNE.
JOHN MACKIE, 12, Watling Street.	JAMES DONALDSON.
NEIL BLACK, 11, Bread Street.	WILLIAM HALE,
	WILLIAM GREEN.

Mr. SHEPHERD opened the pleadings, and stated, that this was an information filed by his Majesty's Attorney-General against William Hone, for printing and publishing a certain *impious and profane* libel upon a part of the Church Service in the Common

Prayer Book, called "*The Litany, or General Supplication.*" There was a second count, charging the said publication to be a wicked and *seditious* libel of and concerning the Prince Regent, and the Houses of Lords and Commons. To this information the defendant had pleaded Not Guilty.

The ATTORNEY-GENERAL then addressed the Jury—The question they were assembled to try was one of the utmost importance to the constitution of society. The information charged the offence committed by the defendant in two ways:—In the first count it was alleged to be a profane and impious libel, and in the second a seditious libel. He should call the attention of the jury particularly to the first. The libel was a parody upon that part of the Divine Service, established by law, called "*The Litany, or General Supplication.*" After the authority of Sir Matthew Hale, and of other great lawyers, no man could dispute that Christianity was part or parcel of the law of the land: it had been held to be so in all times, and all the rights we enjoyed more or less depended upon that principle; the very oaths which the Jury had so solemnly taken were founded upon it. In all Christian countries it was necessary that some form of public worship to the Creator should exist: in England it had been established by statute in the reign of Charles II.; and if any man in writing should revile, scoff at, or ridicule it, by the law of the land he was guilty of a libel: no man could venture to contradict that position. The information charged that the defendant, devising and intending to excite impiety and irreligion, and to scandalise and defame, and bring into contempt, in the minds of the King's subjects, that part of the public and Divine Service, called "*The Litany, or General Supplication,*" and to apply the style and form of expression there used to scandalous purposes, published the libel in question. It was not necessary to remind the jury that the Litany was a most solemn prayer to the Almighty, to the Redeemer of the World, and to the Holy Ghost, and had justly been considered the most sublime part of the public service of the Church; and it was impossible to make the most distant approach to its style and form in a parody, without exciting in the most pious mind ideas that would never have other-

wise entered it; and the taint of profaneness and ridicule, even of the most sacred subjects, was rapidly disseminated. The Litany, after the supplication to God, the Redeemer, the Holy Ghost, and the Trinity, went on to pray deliverance in the hour of death and in the day of judgment. It was succeeded by a most devout and impressive reiteration: "Son of God, we beseech thee to hear us! O Lamb of God, that takest away the sins of the world, have mercy upon us!" He would not proceed; it seemed too solemn even for the solemnity of a court of justice; yet (would the jury believe it?) the defendant had turned it to ridicule, by making an impious parody of it. It began, "O Prince, Ruler of the people, have mercy upon us, miserable subjects. O House of Lords, hereditary Legislators, have mercy upon us, pension-paying subjects. O House of Commons, proceeding from corrupt borough-mongers, have mercy upon us, miserable subjects." It was too disgusting to read the whole, but he would turn to that part which was substituted for the devout reiteration at the end of the Litany of the Church; instead of "Son of God, we beseech thee to hear us," &c., the defendant had said, "Son of George, we beseech thee to hear us. O House of Lords, that takest away so many thousands of pounds in pensions, have mercy upon us."

[These parts of the parody produced an involuntary burst of laughter from the auditory, which evidently proceeded, not from a wish to disturb the Court, but was really the irresistible impulse arising from the matter of the parody.]

Lord ELLENBOROUGH—Where are the Sheriffs? I desired their attendance, and they shall attend.

The UNDER-SHERIFF—My lord, I have sent for them; but they live a great distance from this and they have not yet arrived.

Lord ELLENBOROUGH—Very well.

Mr. HONE joined the Court in reprehending in strong terms this interruption of the order of the proceedings.

The ATTORNEY-GENERAL resumed as follows:—Will any one now say that the dangerous, the impious and profane publication before you, has not been the means of raising scoffing among the scoffers? I will ask, if there can possibly be a stronger proof of

its dangerous effects?—If the social bonds of society are to be burst asunder by the indecent conduct of a rabble, the Court may as well discontinue its proceedings. But, gentlemen, if any man supposes that an interruption of this description can have the effect of intimidating me, or of making me swerve for a moment in the execution of my duty—my sacred duty to the public and to the cause of God, he is perfectly mistaken. That shall never be the case with me, while I stand in an English court of justice, whether as the law officer of the Crown, or as a private advocate; and while God gives me strength and understanding to perform that duty, I will never be deterred by anything of this description which can possibly pass. Gentlemen, in calling your attention to the parody upon this most sacred prayer, I shall have little occasion to guide you in your verdict. You will, I doubt not, read every word of it before you give in that verdict, and you will compare it with the sacred book (the Prayer-Book) which I now hold in my hand, and which is an exact duplicate of the legal Book of the Common Prayer which will be produced to you in evidence. If there be any among you, which is doubtless the case, who is the father of children, and the master of a household, I will ask him, if he would suffer that publication to be perused by his servants, who are not so well educated as himself? or if he would suffer his children for one moment to read it? I will ask him, if he does not believe that it would have the effect I have described? What man is there, even though he is not a Christian himself but as a father, must wish his child to be a Christian? Gentlemen, the express purpose of the book is clear, from its being circulated at a cheap rate, so as to be within the reach of the common and ordinary people. This is the object of the publication; and it is because this is the object that I have thought it to be my duty to bring it before you. There may be many writings which sensible men may read in their closets; some of them may be highly improper for general circulation, although some may be properly open to a free discussion: but the subject of the present question is not to be looked at in this point of view, for the mode of publication plainly shows what the real

object is, and fully proves that it was intended that it should find its way among the ignorant and uninformed, where it was calculated to have a gross effect. It may be, that the defendant will produce, as heretofore, books which have been at different times published, and which, if they had not now been taken down from their shelves, would have been forgotten; they were written at different periods of time, and principally if not entirely, when the person so writing were engaged in all the vehemence and rancour of political disputes. But it never can be offered as a justification or excuse by an individual offending at the present period, that he had followed a bad example. If that observation could be made as an answer to offences, it might be pleaded as an excuse in other cases, of a nature wholly different from the case which you are at this time trying. The law, gentlemen, is called upon, most imperiously called upon, to put a stop to proceedings like those of the defendant, or the time will come, when a stop will be put to all that remains of the Christian establishment of the Church of England—of everything entitled to reverence. Whatever may be the opinion of others, I feel that I should not discharge my duty to the public—that I should not do my duty to society, as a member of it, gentlemen of the jury, if I had not brought this case of libel before you. I am ready to agree, gentlemen, that, constitutionally, you are not called upon to find a verdict upon the simple fact of the printing and publishing; but, whatever be the intention of a publication attended with a mischievous tendency, it is no less a libel. This, however, you know, that in a case of libel, as well as in all other cases, it is the duty of a jury to give in their verdict according to the law, and according to evidence. It was never the meaning of the statute, that the verdict of a jury should be founded in caprice; it is to be given upon evidence, and that is held to be the law of the land. No man among you can now say that he is mistaken; and it is to prevent such a mistake that I have made any observations of this sort: for he who does not apply his mind to find a verdict upon the evidence, according to the law of the land, is guilty of a misapprehension of duty. It is not necessary for me at the outset to make any further

remarks upon this point; I will not therefore proceed. You will hear from my lord, if I am mistaken in any principle which I have laid down: if I am wrong, I shall be most happy and most desirous to receive correction in what you will hear stated by the noble and learned judge as to the law; it will be your province to apply your minds to the facts of the case, as to the nature of the paper, and to judge of it according to the law which you will hear laid down. Gentlemen, if such things as this are permitted, no parody, in any terms or in any shape, upon any part of the public worship of the Church of England, or of any part of the Scripture, will be punishable, nor will there be any attack upon Christianity which may not be published with impunity. It is not enough for a man to say, that he did it for another purpose: that cannot be a point for consideration, when the effect of what he has so published is to scoff at the public service of the Church of England. The question is, Did this parody produce this certain effect? If it is answered in the affirmative, by the law of England it is a libel, though at that moment the defendant did not consider what the ultimate effect might be. If a man publish anything that is obscene and immoral, and say that his object was to ridicule, and that he did not mean to be obscene—that he only meant to ridicule such and such a person; if he did not mean it to be obscene, what does it signify if it is so? He is guilty of producing an effect which is reprehensible. Having stated the case to you, gentlemen, I shall now proceed to prove it; and if there is anything like religious principles in your minds—if you are in the practice of looking with veneration upon the service of the Church, you cannot look over this [holding up the publication] without saying that it is a profane and impious parody—that it is calculated to, and actually does bring into contempt, and that it does ridicule, that part of it called the Litany.

The alleged libel was then put in by the ATTORNEY-GENERAL, and read by the Clerk of the Court.

THE POLITICAL LITANY; diligently revised; to be said or sung, until the appointed Change come, throughout the Dominion of ENGLAND and WALES, and the Town of BERWICK-UPON-TWEED.—

By Special Command.—London : Printed for one of the Candidates for the Office of Printer to the King's Most Excellent Majesty, and sold by WILLIAM HONE, 55, Fleet Street, and 67, Old Bailey, three doors from Ludgate Hill. 1817. Price Twopence.

THE LITANY.

¶ *Here followeth the Litany, or General Supplication, to be said or sung at all times when thereunto especially moved.*

O PRINCE, ruler of the people, have mercy upon us, thy miserable subjects.

O Prince, ruler, &c.

O House of Lords, hereditary legislators, have mercy upon us, pension-paying subjects.

O House of Lords, &c.

O House of Commons, proceeding from corrupt borough-mongers, have mercy upon us, your should-be constituents.

O House of Commons, &c.

O gracious, noble, right honourable, and learned rulers of our land, three estates in one state, have mercy upon us, a poverty-stricken people.

O gracious, noble, &c.

Remember not, most gracious, most noble, right honourable, and honourable gentlemen, our past riches, nor the riches of our forefathers ; neither continue to tax us according to our long-lost ability—spare us, good rulers ; spare the people who have supported ye with their labour, and spilt their most precious blood in your quarrels ; O consume us not utterly.

Spare us, good Prince.

From an unnational debt ; from unmerited pensions and sinecure places ; from an extravagant civil list ; and from utter starvation,

Good Prince, deliver us.

From the blind imbecility of ministers ; from the pride and vain-glory of warlike establishments in time of peace,

Good Prince, deliver us.

From all the deadly sins attendant on a corrupt method of election ; from all the deceits of the pensioned hirelings of the press,

Good Prince, deliver us.

From taxes levied by distress ; from jails crowded with debtors; from poor-houses overflowing with paupers,

Good Prince, deliver us.

From a Parliament chosen only by one-tenth of the tax-payers; from taxes raised to pay wholesale human butchers their subsidies; from the false doctrines, heresy, and schism, which have obscured our once-glorious constitution ; from conspiracies against the liberty of the people ; and from obstacles thrown in the way of the exertion of our natural and constitutional rights,

Good Prince, deliver us.

By your feelings as men ; by your interests as members of civil society ; by your duty as Christians,

O Rulers, deliver us.

By the deprivation of millions ; by the sighs of the widow ; by the tears of the orphan; by the groans of the aged in distress ; by the wants of all classes in the community, except your own and your dependents,

O Rulers, deliver us.

In this time of tribulation ; in this time of want of labour to thousands, and of unrequited labour to tens of thousands ; in this time of sudden death from want of food,

O Rulers, deliver us.

We people do beseech ye to hear us, O Rulers ; and that it may please ye to rule and govern us constitutionally in the right way ;

We beseech ye to hear us, O Rulers.

That it may please ye to keep yourselves in all sobriety, temperance, and honesty of life ; that ye spend not extravagantly the money raised from the production of our labours, nor take for yourselves that which ye need not ;

We beseech ye to hear us, O Rulers.

That it may please ye to keep your hearts in fear of oppression, and in love of justice ; and that ye may evermore have affiance in our affection, farther than in the bayonets of a hired soldiery ;

We beseech ye to hear us, O Rulers.

That it may please ye to be our defenders and keepers, giving us the victory over all our enemies, and redressing the grievances under which we labour ;

We beseech ye to hear us, O Rulers.

That it may please ye to lessen the cares of the world unto all Bishops and Church Dignitaries; giving their superabundance to the poor clergy, and no longer taxing us for their support;

We beseech ye to hear us, O Rulers.

That it may please ye to place within the bounds of economy the expenditure of all the Royal Family;

We beseech ye to hear us, O Rulers.

That it may please ye to deprive the Lords of the Council, and all the nobility, of all money paid out of the taxes which they have not earned;

We beseech ye to hear us, O Rulers.

That it may please ye to direct all Magistrates to give up their advanced salaries, which the times no longer render necessary, and to content themselves with their former stipends;

We beseech ye to hear us, O Rulers.

That it may please ye to bless all the people with equal representation, and to keep them safe from borough-mongering factions;

We beseech ye to hear us, O Rulers.

That it may please ye so to govern us, that unity, peace, and concord, may prevail throughout the nation, and the voice of tumult and dissatisfaction be no more heard in our streets;

We beseech ye to hear us, O Rulers.

That it may please ye to give unto all people all their rights as citizens, whatever may be the mode in which their consciences may impel them to worship their Creator, and whatever the creed to which their judgments assent;

We beseech ye to hear us, O Rulers.

That it may please ye to bring into the way of truth those apostates who have erred therefrom, and have deceived us;

We beseech ye to hear us, O Rulers.

That it may please ye to strengthen all such as do stand up for the legal and constitutional rights of the people; to comfort and help the weak-hearted, who want courage in our behalf; to raise up such as do fall; and, finally to beat down corruption under our feet;

We beseech ye to hear us, O Rulers.

That it may please ye not to tax "until the brow of labour sweats

in vain;" but to succour and comfort all that are in necessity and tribulation;

We beseech ye to hear us, O Rulers.

That it may please ye to show pity to all who are prisoners and captives for the people's sake, or through the oppressive expenses of the laws;

We beseech ye to hear us, O Rulers.

That it may please ye to appropriate the £200,000 annually paid to Members of Parliament, contrary to an ancient law, as a provision for fatherless children and widows, and all that are desolate and oppressed;

We beseech ye to hear us, O Rulers.

That it may please ye to have mercy upon us all;

We beseech ye to hear us, O Rulers.

That it may please ye to turn the hearts of our enemies, persecutors, and slanderers, by withdrawing their pensions and emoluments, that they may no longer call us a "rabble," the "swinish multitude," or "ragamuffins," but may once more style us "the real strength of the nation,"—"the body, without which a head is useless;"

We beseech ye to hear us, O Rulers.

That it may please ye to give and preserve to our use the kindly fruits of the earth, untaxed by men in black, whom those who wish for their instruction ought alone to support;

We beseech ye to hear us, O Rulers.

That it may please ye to abolish and destroy all sinecure places, and worthless pensions; to utterly purge and root out all wrong-doers; to thoroughly correct the present misrepresentation of the people, by an effectual Reform in Parliament; and otherwise to do, or cause to be done, such further and other acts and deeds, as shall or may conduce to the true interest and benefit of the whole commonwealth;

We beseech ye to hear us, O Rulers.

That it may please ye to lead and strengthen GEORGE, Prince of Wales, our present REGENT, in the true fear and knowledge of the principles whereon the people of this commonwealth placed their crown on the head of his ancestors, and continue it towards him; and that it may please ye, as much as in ye lie, to keep and defend him from battle and murder, and sudden death, and from fornication, and all other deadly sin;

We beseech ye to hear us, O Rulers.

That it may please ye to put on short allowance, all Bishops, Priests, and Deacons, that their fleshly appetites being reduced, their spiritual-mindedness may be thereby increased, and so that both by their preaching and living they may set it forth, and show it accordingly;

We beseech ye to hear us, O Rulers.

That it may please ye to take to yourselves true repentance, inasmuch as ye have erred from the way of your forefathers; and amend your method of governing according to our free constitution;

We beseech ye to hear us, O Rulers.

Son of George, we beseech thee to hear us.

Son of George, we beseech thee, &c.

O House of Lords, that takest away so many tens of thousands of pounds in pensions,

Have mercy upon us.

O House of Commons, that votest away the money of the whole nation, instead of that of those only who elect you;

Have mercy upon us.

O Prince, hear us.

O Prince, hear us.

George, have mercy upon us.

George, have mercy upon us.

O House of Lords, have mercy upon us.

O House of Lords, have mercy upon us.

O House of Commons, have mercy upon us.

O House of Commons, have mercy upon us.

[*Here endeth the Litany.*]

¶ THE COLLECT TO BE USED BY HIS MAJESTY'S MINISTERS *Beginneth thus:*

LIGHTEN our darkness, we beseech thee, &c.

¶ *By whom the following may be used in ordinary.*

THE Grace of our Lord GEORGE the PRINCE REGENT, and the Love of LOUIS the XVIII. and the fellowship of the Pope, be with us all evermore.—*Amen.*

Mr. TOPPING rose to call witnesses to prove the fact of the alleged libel being published and sold by the defendant.

Mr. HONE interrupted the learned counsel, by saying that it was not his wish to take up the time of the Court by anything unnecessary; he would admit the fact of the publication.

The ATTORNEY-GENERAL (producing the Common Prayer Book under seal)—Do you admit that this is the Common Prayer Book?

Mr. HONE—I admit that this is the Common Prayer.

Lord ELLENBOROUGH—You admit that it is the Common Prayer of the Church of England?

Mr. HONE—Certainly, my lord.

Lord ELLENBOROUGH accordingly recorded Mr. Hone's admission, that he was the printer and publisher of the parody in question, at No. 55, Fleet Street, in the parish of St. Dunstan's in the West.

Mr. HONE—I trust your lordship will excuse the interruption; but with respect to the disturbance which has occurred in the Court, I beg to observe, that I consider that man to be my enemy who in any way——

Lord ELLENBOROUGH—There is not anything of that kind before the Court at present; the time for making your observations is not arrived.

Mr. HONE—I was only desirous, my lord, to add my feeble assistance in keeping order in the Court.

Lord ELLENBOROUGH—A very proper disposition.

Here Mr. Sheriff Desanges entered the Court, and Lord ELLENBOROUGH addressed him thus:—"I have sent for you and your colleague, sir, as there is an absolute necessity for your presence. There was a most unseemly disturbance in the Court yesterday, I understand, and there has been another to-day. You are the persons who are responsible, and shall be responsible; and therefore you will be good enough to use your utmost activity in apprehending any persons who dare to interrupt the course of the proceedings."

Here Mr. Sheriff DESANGES assured the Court, that no endea-

vour should be wanting on his part to put a stop to conduct so disgraceful and so indecent.

Lord ELLENBOROUGH—You will understand me; my only motive in admonishing you as to your duty is, that you may attend to it.

The case for the Crown being closed,

Mr. HONE rose—Before he remarked on the opening speech of Mr. Attorney-General, he would address himself to the persons present; and he must say, he knew of no species of indecency—he knew of no breach of propriety, that more deserved severe reprehension and reprobation, than an act which tended to impede the proceedings of a Court of Justice. Taking his trial there, on a charge which perhaps might consign him to a prison, he felt most solicitous that good order and tranquillity should prevail. Perhaps those indiscreet expressions of feeling might increase his danger—they certainly could not serve any good purpose. The persons who had so loudly expressed themselves ought not, whatever they might think or feel, to have given loose to their feelings in that place. He begged to state, that he was opposed to every such expression in that Court; and he declared that man to be his decided enemy—he cared not where he came from, or who he was—who should attempt to interrupt such solemn proceedings. He did not expect to be so much embarrassed to-day as he was yesterday, but, he confessed, his embarrassment was not abated. This was not surprising, since yesterday was almost the first time that he ever in his life addressed half-a-dozen sentences to ten persons assembled together. The first time he had ever made such an attempt was when he applied to his lordship and the other judges on the subject of the informations filed against him; and when he stood on the floor of the Court, he doubted, so novel was his situation, whether he should be able to utter a single word in objection to the course adopted against him. He was now, from the urgency of the case, thrown into the gap, and he was obliged to fight out as well as he could. The Attorney-General said the *alleged* libel (for he denied that it was one, and if it were, he would

not be standing there to defend it) was printed at a cheap rate, in order to be disseminated amongst the common people. The fact was, that the price of the publication was fully commensurate with its size. Where publications were likely to have an extensive circulation, they were sold by the booksellers at fourpence per sheet. The publication for which he was now prosecuted consisted of half-a-sheet, and it was sold for twopence, which was the regular price. He would not say that it did not get into the hands of the ignorant and uninformed, for he knew it necessarily must, since a great proportion of the people, even in this enlightened country, were ignorant: but he knew this also, that great numbers of those parodies were sold to persons of a very different description. They were sold to persons of high standing in that Court—to Magistrates of the City of London—to Members of Parliament, and even to his Majesty's Ministers. This publication had a particular object, which every man, who read it with an unprejudiced mind, must at once perceive. That object was a political one; no intention existed to bring religion into contempt. Of course, it did not well become him to praise his own publication; but thus much he felt called upon to assert, that the style of it was not the worst he had ever seen, nor did it seem best calculated to make an impression upon the merely vulgar and unlettered. Many men of talent and information were satisfied that the purpose with which it had been published was innocent; and he was persuaded, that every man capable of judging, and who read it without prejudice, would arrive at the same conclusion. The Attorney-General had regretted that certain parodies had been taken from the shelves on which they were placed, and where they might have rotted and been forgotten, had they not been produced in Court on yesterday's trial. He meant nothing disrespectful to the learned Attorney-General in venturing to differ from him on the present occasion; but he must deny the learned gentleman's position, that these parodies were brought forward for any improper or irreverent purpose. The production of these books was essentially necessary to his defence before a jury of his country, who were impannelled to try this important issue between the crown and himself, the

defendant. Without these works it was impossible for the jury to come to a sound decision upon the allegations of the information—to which he should afterwards allude more at length than the Attorney-General had thought it necessary to do. Many of the works before him had been placed upon the shelf only within the last ten years; and certainly he should feel it to be his duty to bring those, at least, under the notice of the jury. Amongst them was a well-known publication, called "The Book of Chronicles of Westminster," containing Scriptural parodies, applicable to the Westminster Election.

Lord ELLENBOROUGH—I think it necessary thus early to apprise you, that if you wish to show that as a sample of publications of the like tendency which have been written, or for the purpose of proving that the sacred Scriptures have been ridiculed and brought into contempt by other subjects of the realm as well as yourself, I shall not receive it. The commission of crimes, by how many soever persons they may have been committed, does not qualify the guilt of the individual committer. It is my decided purpose not to receive this in evidence; and therefore you may use your discretion, whether you shall dwell further upon a matter of evidence which I declare, judicially, to be inadmissible.

Mr. HONE—I would ask your lordship, if you really mean to send me to prison without a fair trial? If your lordship does not mean to do that, you will let me make my defence to the jury.

Lord ELLENBOROUGH—You may state what you know to be of service to you in your defence upon this particular issue. You may state what you please; but I tell you, that that shall not be given in evidence which falls within the description of evidence I have mentioned.

Mr. HONE (after a pause)—I really do not understand your lordship; I state it seriously, that I am not aware of the exact meaning of your lordship's intimation.

Lord ELLENBOROUGH—I think what I have stated is intelligible enough to every other person in Court.

Mr. HONE—It certainly is not intelligible to my humble apprehension.

Lord ELLENBOROUGH—I can't help it.

Mr. HONE—I really don't clearly understand what your lordship means by the word *evidence.* I am ignorant of the technical rules of evidence, and therefore I apply to your lordship for a more explicit statement of your meaning. There are certain allegations in this information, which it is necessary for me to explain away, by showing that they can have no possible reference to the supposed libel. This I propose to do by calling the attention of the jury to passages in other publications, to show that this parody has no application whatever to religious matters. I don't know, as a man of plain understanding, what may and what may not be given in evidence. But my intention is to read to the jury certain other publications that I consider absolutely essential to my defence, and so essential to my defence that I cannot defend myself unless I do read portions of these publications. I state this with all due deference to your lordship.

Lord ELLENBOROUGH—You may go on, and exercise your own discretion. I tell you what rule I shall adopt in my direction to the jury. I don't wish to interrupt you; but I thought it my duty to inform you of the course I meant to adopt. You may exercise your discretion, how far you will conform to that rule or not.

Mr. HONE—If your lordship had condescended to explain to me your meaning, by saying that these works are not admissible in evidence at all, I should know at once what I am to expect. If your lordship says, that I am not to read these publications to the jury—if that is your lordship's decision against me, then I have no defence to this information, and I am ready to go with your lordship's tipstaff wherever your lordship may think proper to send me.

Mr. Hone paused for a few moments as if waiting for an answer, and then continued his address to the jury :—

He insisted, that many of the books from which he had read extracts were modern : it could not surely have escaped the recollection of the Attorney-General, that the first authority to which he had referred yesterday was "Blackwood's Edinburgh Magazine,"

published in October last, long subsequent to the date of the alleged libel; yet that contained a parody upon a large portion of the Scriptures, against which no complaint had been ever made. He (the defendant) did not require the Attorney-General to prosecute Mr. Blackwood, a most respectable bookseller; he should be a scoundrel if he did; he only brought it forward as in point, for the writer, bookseller, and printer, must all have been well aware of its nature. Mr. Blackwood's politics were totally different from his (the defendant's); but whatever others might do, he would be the last to suggest a prosecution on account of an honest dissent upon such points. Mr. Hone then read to the jury the extract from the "Edinburgh Magazine" he produced yesterday.

The Attorney-General had said that the jury were impannelled to try the intention of the party publishing the parody: that was a fair statement of the question; the *intention* constituted the offence, or established the innocence of the accused. If the jury found that the parody was put forth with a criminal purpose, they would return a verdict of guilty; if, on the other hand, they thought that no such design existed, they would be bound to give him an acquittal. In the year 1771 Mr. Burke clearly explained the principle of a bill which he assisted in bringing into the House of Commons (commonly called Mr. Dowdeswell's Bill), "to explain and declare the office and duties of jurymen in cases of libel." It had long been held by many eminent judges, that, in such cases, the jury had only to find the fact of publication, leaving it to the Court to decide on the question of libel or not libel. As the law then stood, the intervention of a jury was unnecessary—for the Court might as well procure, by a simple affidavit, the fact of the alleged publication of libel, and then a summary proceeding could be adopted. The old system did, in fact, do away the power of a jury, by denying their right to decide on the question of libel or not libel. Mr. Burke's great mind was alive to the folly and injustice of this system, and he assisted Mr. Dowdeswell in bringing in his bill; which did not then pass; but in 1790 or 1791 Mr. Fox introduced a bill, nearly similar, "to enlarge and define the

power of juries in cases of libel." The authority formerly vested in the judge to declare what was libel, was, as Mr. Justice Blackstone observed, greatly controverted; and Mr. Professor Christian, in one of his notes on Blackstone, stated, that, in consequence of the opposition manifested against the exercise of this authority, the 32nd of George III., c. 6, was enacted, by which the jury were empowered to return a verdict on the whole matter at issue, and not on the fact alone of publishing that which was alleged to be a libel. The jury were now to decide on all the allegations contained in this information. If they were of opinion that he intended to excite impiety and irreligion in the minds of his Majesty's subjects, they would find him guilty, and his lordship would, at some future day, pass sentence on him; but if no such intention appeared—and his lordship would correct him if he were wrong—then they would return a verdict in his favour.

Lord ELLENBOROUGH—As you call upon me to give my opinion, I say, that if the publication has a tendency to produce that effect upon the minds of persons who read it, it is in law and in fact a libel. I should not have interrupted you, but you called for my direction.

Mr. HONE—Then all I can say, gentlemen, is, that that is his lordship's opinion.

Lord ELLENBOROUGH—It is not merely my opinion; it is the opinion of all lawyers in all ages: publishers must be answerable for the tendency of works they put forth, and they are not to put perverse constructions on their own acts, and thus excuse themselves. If the paper have a tendency to inflame, the law says, the party had an intention to inflame; if to corrupt, that he meant to corrupt. This is no new doctrine; no judge ever held differently.

Mr. HONE—Of course, gentlemen, it is not for me to reply upon his lordship; but I may observe upon what fell from the Attorney-General: he said, that by Mr. Fox's bill his lordship, if he think fit, may give his opinion to the jury upon the question of libel or not libel.

Lord ELLENBOROUGH—The judge wanted no such power to be

given him by Mr. Fox's bill; it is incidental to his office; it is his sworn duty, and was so before Mr. Fox's bill, or before even Mr. Fox himself existed.

Mr. HONE—If the Court had that power before, it should seem that it was wholly unnecessary to introduce it into Mr. Fox's bill: it would be absurd in the legislature to pretend to communicate a power which was possessed without it. Recollect, too, that that bill was drawn by a most enlightened and acute man, and it was not adopted until it had been frequently and patiently debated; and let me ask you, if it is likely that a large body of intelligent men, many of them lawyers, would have suffered such unmeaning surplusage to remain on the statute-book, if in truth it had been unnecessary? His lordship, however, has declared his opinion; but let me say, said Mr. Hone in a triumphant tone of voice, "that, after all, it is but the opinion of *one* man, it is but his lordship's opinion." Of course I speak this in no offensive sense. (Loud huzzaing.)

Lord ELLENBOROUGH—So I understand; but it might be as well if a little decency were preserved at the bottom of the Court. If the officers take any person into custody who makes a disturbance, let him be brought up to me, and I will reward such conduct.

Mr. Sheriff DESANGES—The first man I see laugh, after such a severe notice, shall be brought up.

Mr. HONE—In the course of the charge, gentlemen, you will no doubt listen with due attention to his lordship's opinion upon the intention; but that, give me leave to say, is not to be final. His lordship presides in this Court, but not to try me. You are my judges; you are to try me; and to you I willingly submit my case; you are sworn to decide honestly the issue between me and the Crown; you are to determine upon my intention; you are to settle the difference between intention and tendency; the tendency may be bad, but was the intention so? that is the very gist of the case—the pinch of the argument. Many acts in themselves criminal may be done with no criminal intention, a person may fire a gun at another by accident, thinking it unloaded, and if the

person is unhappily killed, the individual firing the gun, having no intention to kill, is not guilty.

Lord ELLENBOROUGH—You had better, for your own sake, be correct; it is felony—it is manslaughter, which is felony. I throw this out, that you may attend a little to what may be really your defence.

Mr. HONE said, he remembered that it had lately been made felony.

Lord ELLENBOROUGH—It was never made felony; there is no Act of Parliament for it; but it is the common law of the land. I will not interrupt you again: but I advise you, before you come to talk of law, you should have thought a little about it. I do not mean it uncivilly.

Mr. HONE—I thank your lordship. I must be well aware of that. He went on to further illustrate his argument regarding intention, by referring to the case of a man accidentally killed by the falling off of the head of an axe; the person using the axe was not guilty of murder. He complained that he had not been indicted, but that three *ex-officio* informations had been filed against him instead. Mr. Justice Blackstone (4 Comm. 308) said, that they were intended in their origin to apply to "offences so high and dangerous, in the prevention and punishment of which a moment's delay would be fatal;" and that on this account the power of immediate prosecution was given to the Crown. The learned judge who yesterday presided had stated, that *ex-officio* informations were as ancient as the common law, and of this opinion was Blackstone. The oppressive use of them, however, previous to the reign of William III. was so deeply felt, that, before the revolution of 1688, the House of Commons, having drawn up by committee certain conditions on which the Crown was to be intrusted to the Prince of Orange; the 22nd article was, "that informations in the Court of King's Bench shall be taken away." Yet what had been done? Not long afterwards, in the Court of King's Bench, the question was agitated, when Sir John Holt and the other judges were of opinion that they were grounded upon the common law, and could not be shaken.

Lord ELLENBOROUGH—If they are not taken away, what is the use of this discussion? It perhaps was discussed in Parliament, whether they ought not to be abolished; but have they been abolished? You might as well detail points agitated in some utopian system as this. Whether informations are right or not, do you not see that the law so stands?

Mr. HONE—My lord, I am making my defence as well as I can under a thousand disadvantages——

Lord ELLENBOROUGH—I only warn you of what are not important points for you; but if you think I ought to attend to them, I will do so.

Mr. HONE—My lord, I appeal to the jury upon it.

Lord ELLENBOROUGH—But you cannot appeal to the jury upon matters that are not law. If you object to an information, you ought to have demurred before, and the Court then could have come to some decision; therefore you are now wasting time. I only suggest this to you for consideration; for I will hear you, however immaterial, and however little good what you have to say can do you.

Mr. HONE—Gentlemen, his lordship may desire you to dismiss from your minds what is immaterial in his charge to the jury——

Lord ELLENBOROUGH—My charge cannot follow you through the devious ways you like to take. I dare say I shall not mention anything you offer; at least I shall not notice a great many things, for indeed they are self-answered.

Mr. HONE continued his address, insisting (on the authority of Ralph's "History of England," so frequently quoted by Mr. Fox in his work), that treason had been committed against the people of England, in not abolishing *ex-officio* informations when King William was seated on the throne, and after the 22nd article of the Declaration drawn up by the Commons. The chief argument stated by Blackstone was the necessity of a summary and rapid expedient in *high and dangerous offences;* but how could that necessity be shown in this case? Had the Attorney-General proceeded with such rapidity? On the contrary, the publication of the alleged libel ended on the 22nd of February, and the

information was not filed until just before the 3rd of May, when the defendant was dragged into Court to plead. His lordship had not told him then that he might demur, instead of pleading——

Lord ELLENBOROUGH—Demurring is a plea; you might have demurred to the right of the Attorney-General to bring you into Court under an *ex-officio* information, and then the question might have been settled. I was not to advise you what to do.

Mr. HONE—My lord, I was dragged into Court by force and arms to plead.

Lord ELLENBOROUGH—And they did rightly: they were warranted by law to bring you into Court. I was clear that *ex-officio* informations are part of the law of the land; and it would have entrapped you, if I had told you to demur. You would have been injured by such advice.

Mr. HONE—However, be that as it may, I was committed, and afterwards discharged. The defendant next observed, that he had hoped that his discharge would have been final; that the Attorney-General had dropped the proceedings entirely, and that, in consequence of the death of her Royal Highness the Princess Charlotte, a general amnesty would have been passed upon all offences of the kind. He had hoped, that the many unhappy wretches, dragged from remote districts to plead to informations regarding these parodies, would have been forgotten; that an act of oblivion would have passed; that the recollection of a present grief would have obliterated the remembrance of past grievances; but he found, to his bitter disappointment, not more on his own account than that of others, that no visitation of Providence, no national calamity, could chasten the resentments, or soften the hearts of ministers. Why had not a prosecution, an *ex-officio* information, been filed against one individual now high in the state—a Cabinet Minister, who some years ago had been guilty of the offence charged against him? Mr. Hone said, he was convinced, that had that individual been in the humble situation of him (the defendant) in society, he would this day, instead of sitting in the Cabinet, have been standing before his lordship and the jury. Informations were oppressions—they were a relic of the

infamous Court of Star Chamber, where a person accused, if he uttered a word offensive to the judges, was not only subjected to fine and corporal punishment, but even endured the torture of having wedges driven with a mallet into his mouth to stop his utterance. The gag would be quite as effectual, if his lordship upon this occasion had laid his solemn injunction upon him (the defendant) not to proceed in the line of defence he had adopted. He thanked Heaven, he was now before an English jury 130 or 140 years after the abolition of that tyrannical and execrated Court; he stood face to face before his judges as before his friends; he talked to them as friends, for he could not make speeches; and he relied, not on his talents, but on his innocence. Another objection to the proceeding by information was, that it was much more expensive; he could not procure copies of the charge, but for a considerable sum; and when he was brought up to plead, he was the more anxious to obtain them, because he had heard that in Wilkes's case the information had been altered by order of Lord Mansfield, though, he admitted, after notice to the attorney for the defendant, who was unable to leave his bed. At the time he (the defendant) was brought up, on the 3rd of May, he really had not the money to pay for copies; and he ought to have been furnished with them by order of the Court.

Lord ELLENBOROUGH said, that no subject of the realm was furnished with a copy of any indictment; he gathered the contents from the perusal of it by the officer. This was the common everyday practice.

Mr. HONE—I admit that it is common; and I say, on behalf of the whole people of England, that to those who may be placed in my situation, it is a great grievance. I assert, that every man accused ought to be furnished with a copy of the *ex-officio* information.

Lord ELLENBOROUGH—In a common indictment for larceny it is not furnished; if it be a grievance, it applies to every case.

Mr. HONE—And so it does; but give me leave to say, that there is a great difference between an indictment for a larceny, and an information for a libel. If I pick a man's pocket, the offence

is clearly and specifically stated; the day, the circumstances, are mentioned: but libel is an undefined crime; and who shall say that he can be master of the matter of a complicated information, because it is once read over to him.

Lord ELLENBOROUGH—The information contained nothing but the libel, which you have admitted that you published.

Mr. HONE—protested against this unfair use of his admission; he had not sold one after the 22nd of February. If copies had been given him, he should have been ready to plead in six hours. His case, in this respect, and many others, was not solitary. Some unhappy beings had been compelled to travel 200 miles to plead to some of these informations. Was there no law in the country to punish this offence? Could no indictment at the sessions have been preferred, where the poor wretch might have taken his trial without an information? But, forsooth, it was necessary to proceed in a summary way, without any of the ordinary formalities; and some of the victims of this tyrannical proceeding had actually been in solitary confinement for nine weeks, like felons, in Chester Gaol, with 64lbs. weight of fetters upon their emaciated limbs. Was this proceeding in a summary way? was this that speedy justice for which *ex-officio* informations were designed? *

* The persons alluded to were MELLOR and PILLANS: they were imprisoned in Lancaster, not Chester Castle, and suffered severely in their persons from the cruelty of solitary confinement, and by anxiety of mind for their poor helpless families. But there was a person in Chester Castle, named ROBERT SWINDELLS, whose case is marked with almost the extremity of distress. This unfortunate man was charged with publishing the parodies on the 10th of March last; on which day, at midnight, his humble home was forcibly beset and ransacked; and the publishing consisted in his then having the alleged articles in his possession, of which, amongst other things, he was robbed by the persons who entered and deliberately packed up his books and carried them off. This poor man, disabled in the service of his country, retired to taste the sweets of domestic life; and in a season of general calamity, almost, if not entirely, destitute of other employ, he endeavoured to obtain bread for his wife and child by selling a few cheap pamphlets. On a sudden, and at night, the sanctity of his little home was outraged with such brutal violence, that his wife and infant were driven, in tears, and distress, and naked, from their bed; and every corner of the cottage, and every description of property, ransacked and ravaged, Even the unfinished garments which the fond mother had been providing for her unborn offspring were examined, and scattered amongst the wreck of the household stuff of her unprotected family. The poor woman, shivering in the bitter cold of a winter night, without

Lord ELLENBOROUGH—I take it for granted that you will prove all this.

Mr. HONE—I will prove it.

Lord ELLENBOROUGH—Your being able to prove it will be no warrant for me to receive the evidence; but I will allow you to prove what you assert, if your witnesses are here.

Mr. HONE—They are not here, my lord. I did not expect to be called upon; but I can prove it.

Lord ELLENBOROUGH—This is only wasting time: proceed to the business of your defence. I will hear very anxiously what relates to your defence, but I will not let you be wasting time.

Mr. HONE—Wasting time, my lord! I feel the grievance of which I complain; I am to be tried, not you! When I shall have been consigned to a dungeon, your lordship will sit as coolly on that seat as ever; you will not feel the punishment: I feel the grievance, and I remonstrate against it. I am the injured man. I am upon my trial by those gentlemen, my jury.

Mr. HONE, after a pause of a few moments, objected to the mode in which the Attorney-General could suspend *ex-officio* informations over the heads of the King's subjects. True it was, the accused could demand a trial; but then it must be at bar, before a special jury—a situation a hundred times worse than that in which he (the defendant) was now placed. Another evil was, that a man was not tried by his peers, and sometimes not by those among whom he lived. He complained of the odium and prejudice under which he had long laboured because the late

covering, tending the sleeping child she escaped with from her bed, and terrified to agony by fears for her husband's safety, and by the sudden and causeless devastation committed on her comforts—this hapless wife, on the departure of the marauders, declared to her husband, and repeatedly afterwards to others, that the affrighting scene of that night would work her death: her health declined—she sustained a preternatural delivery—and she died, leaving her new-born infant, and that which she fondled on the fatal night, without a mother! The unfortunate SWINDELLS, in the midst of this distress, was visited by a government prosecution, and served with process upon process; his last-born babe perished for want of maternal care; and he himself was carried to Chester Castle, as a Crown prisoner; whilst all that remained to him of all that is dear in this life, his little lone child, was deposited in that grave of hope, a parish poor-house! Having sustained an unconstitutional imprisonment, and not merely the separation of his family, but the destruction of it, he was liberated, without trial,—and without redress!

Attorney-General had chosen, in a speech, to term these parodies blasphemous publications. He was about to detail some of the facts relating to the putting of his plea, when Lord Ellenborough interposed, and observed, that every indulgence had been shown him on that occasion. Do you remember, said his lordship, that you were committed until a future day, that you might have time to plead?

Mr. HONE—Oh, yes, my lord, I well remember that; you committed me to the King's Bench Prison.* I well remember the many bitter nights and days I there passed.

Mr. TOPPING (for the Crown) observed, that the defendant had been committed until the next term, that he might have time to plead.

Lord ELLENBOROUGH—Then, you see, you state false *gravamina*. The Court was extremely studious to give you every indulgence, and means of understanding the information.

Mr. HONE—I could not plead guilty, when I knew I was not guilty.

Lord ELLENBOROUGH—Why, you have just admitted the publication.

Mr. HONE—But have I admitted that it is a libel?

Lord ELLENBOROUGH—But you yourself had the libel in your possession; you published it, and you might have read it till you were tired of it, as I am.

Mr. HONE further entreated the jury to dismiss the unfair prejudice which might have been excited against him from the highest authority; for by one of the secretaries of state—by Lord Sidmouth, night after night, he had been denounced as a blasphemer and a wretch. Many of the newspapers had re-echoed the false and scandalous charge; even after the verdict of acquittal from the charge of a profane libel yesterday, some of them had ventured to repeat it. He held in his hand the *Day* newspaper,†

* By the Act 5 Victoria, c. 22, the Queen's Bench, Fleet, and Marshalsea were consolidated as the Queen's Prison for debtors, prisoners committed for libel, assaults, court-martial, &c., under the control of the Home Secretary of State.

† An obscure newspaper, called *The Day*, was set up as a trading speculation by some puffing auctioneers, and became a little notorious by a prosecution against it for libel. The editors of this paper are now

"Two single gentlemen rolled into one."

The unhappy Doctor Slop's imagination is so extravagantly at variance with

published a few hours ago, in which he was designated a blasphemer——

Lord ELLENBOROUGH—Really, you are getting so far out of the case: what have I to do with the libels published against you? we are not trying that newspaper.

Mr. HONE—I hope, and firmly believe, that I have an impartial jury, who will be unprejudiced by every thing they may have heard or seen in or out of court.

LORD ELLENBOROUGH—Why, nobody can have read that newspaper you speak of; what have I or the jury to do with——

Mr. HONE—My lord! My lord! it is I who am upon my trial, not your lordship. I have to defend myself, not your lordship.

Long-continued acclamations here interrupted the proceedings of the Court. Lord Ellenborough directed one of the sheriffs to leave the bench, and to go to the bottom of the court to quell the disturbance. When order was in some degree restored, his lordship said, "It is impossible that the officers can be doing their duty; let them bring any man before me, and I will soon put an end to this."

The SHERIFF, remaining on the bench, asked Mr. Under-Sheriff Smith if he had succeeded in taking any of the offenders, and was answered in the negative.

truth and memory, that he can neither remedy unto himself, nor be controlled by moral management. He runs a-muck at all he meets, with a soft goose quill, cursing and swearing in the same fashion as Peter in the *Tale of a Tub*; and, unless brought to his senses for a moment by an antagonist who knocks him down, he outstrips pursuit, and bays the moon till he is exhausted. In two respects, however, he is honest to himself:—a renegade in politics, he secretly admires the Reformists, whose ranks he left for the Treasury clerks that crowd his office, and toss him sops;—a high-flier in religion, he really despises the bigotry and fanaticism which he puts forth in his tawdry journal. Hence it is not surprising that the poor man is almost constantly furious or cataleptic; or that, in his lucid intervals, he wears a red night-cap with a lily in it, as emblems of his loyalty to the houses of Bourbon and Brunswick, and struts in his turned coat as unblushingly as a fifty-times-lashed incorrigible deserter, when he is drummed to a condemned regiment to the tune of the Rogue's March. Mr. Hone, on his third trial, gave the lie direct to Dr. Slop's aspersions. The crazy charlatan took advantage of Mr. Hone's declaration in court, that he would only rebut the press by the press; and the hypocrite, finding the trials ended, and that Mr. Hone had no means of reply to him, like a bully and a coward, fell to his dirty work again.

Lord ELLENBOROUGH—Open your eyes, and see; and stretch out your hands, and seize. You must have observed somebody. Mark where the noise comes from, and note the man.

Mr. HONE continued—The interruption could be occasioned by no friend of his: whoever disturbed the Court was his bitter enemy: his friends could not so conduct themselves; and the noise could only proceed from some designing emissaries, who were anxious that he should be taken from the Court to a prison. He held in his hand two newspapers that were published this morning——

Lord ELLENBOROUGH—I must not have the trash of the newspapers produced here, unless you can apply it in some way. If you thought there was anything in them that would prejudice the jury on your trial, you ought to have applied at the sitting of the Court upon affidavit, and it might probably have been postponed.

Mr. HONE—But this attack was much better timed: it was introduced after I had been acquitted by one jury last night, and before the time of my being tried now—to be acquitted, as I hope, by another.

Lord ELLENBOROUGH—Still, if you thought that the minds of the jury had been in any way poisoned, the Court would have given you an opportunity of being tried at a more impartial moment.

Mr. HONE—It did not occur to me that that mode of proceeding was necessary. In fact, both the newspapers who have thus accused me of blasphemy well knew the contrary, for they contain reports of the trial of yesterday, when I was acquitted even of profaneness. One of them begins thus: "It will be seen by our Law Report"——

Lord ELLENBOROUGH—We cannot enter upon that, after I have said that you might have stated the fact in a way to deserve attention.

Mr. HONE—I trust that I, being a publisher, shall never apply to a court of justice to restrict a publication.

Lord ELLENBOROUGH—But you will do well to complain if the publication be intended to corrupt the sources of justice. At

a proper time I shall be glad to hear you; but do not introduce it as a hash into your speech.

Mr. HONE replied, that he had only heard of it five minutes before he came into court.

The ATTORNEY-GENERAL formally objected.

Lord ELLENBOROUGH—If the defendant has been libelled, he may either bring an action for damages, or put the criminal law in motion; that is the proper mode: but he cannot do it now here.

Mr. HONE—God forbid that I should force the bitterest enemy I have into the Crown Office! I have suffered too much there already myself. No, my lord, I would suffer the foulest imputations before I would take that step even against the man who had most deeply injured me. The defendant then said, he should now proceed to show, that for years parodies had existed unquestioned, and even the particular species of parody of which he stood accused. He should also, from this universal practice, and from examples which he should give, establish beyond a doubt, that it was possible to parody without ridiculing the thing parodied. He asserted that the parody on the Litany was written to excite a laugh—not at the production which was parodied, but entirely independent of it. The first parody he should produce was on that useful instrument the thermometer, by the late Dr. Lettsom; who, by a scale, graduated after the manner of the thermometer, attempted to show that temperance was conducive to health and morals, and that intemperance was destructive to both. There was an ascending and a descending scale, from strong beer to spirits, and punch occasionally, up to dram drinking at morning, noon, and night, against which the effects on the morals were placed; these different degrees of intemperance, ending with Botany Bay, the hulks, and the gallows. The advantages of temperance were illustrated in the same manner. Who would say, that in this publication, Dr. Lettsom intended to bring into contempt the thermometer? yet it was a parody on that instrument in every sense of the word. There was another, which he held in his hand, which was a parody on the barometer; a parody for

religious purposes. It described the progress of a mind from religious indifference, through different stages of religious observance, up to happiness on earth, and salvation hereafter; and, on the other hand, down to death and perdition. Here the thing parodied was secular, and the parody was for religious purposes; in his case the parody was of a religious work for secular purposes. The intent of this parody was not to bring into contempt the barometer, nor did he mean to ridicule the Litany. The practice of parodying religious works, even parts of the Holy Scriptures, on different occasions, was adopted by men whose sentiments with regard to those writings were above suspicion. The first parodist he should cite was the first restorer of the purity of the Christian religion. Martin Luther, the father of the Reformation, in 1518, had a controversy with certain other persons of the reformed religion, in the course of which he parodied the first verse of the first Psalm:—"Blessed is the man that hath not walked in the way of the Sacramentarians, nor sat in the seat of the Zuinglians, nor followed the counsel of the Zuricher." The next parody he should allude to was by Dr. John Boys, who was Dean of Canterbury in the reign of James I. It would have been inconvenient to bring a folio volume into court, and therefore he quoted from "Buck's Anecdotes." It was there said that Dr. Boys had gained great applause by a parody of the Lord's Prayer, in a sermon which he preached at Paul's Cross. The parody was to this effect:—

"Our Pope, which art in Rome, cursed be thy name; perish may thy kingdom; hindered may thy will be, as it is in heaven, so in earth. Give us this day our cup in the Lord's Supper; and remit our moneys which we have given for thy indulgencies, as we send them back unto thee; and lead us not into heresy; but free us from misery; for thine is the infernal pitch and sulphur, for ever and ever. Amen."

Lord ELLENBOROUGH asked, do you contend that the parody by Dr. Boys is an innocent publication; or that, if he now stood where you do, he might not have been prosecuted for it, though it is against the Pope?

Mr. HONE—My lord, he was a dignified clergyman.

Lord ELLENBOROUGH—But that would not warrant the impiety of others. A dignified clergyman has committed forgery, but does that fact render it less a crime?

Mr. HONE added, that Martin Luther and the Dean of Canterbury were grave and high authorities in his favour.

Lord ELLENBOROUGH—I will tell you now the observation I shall make regarding the existence of parodies at other times, however numerous; unless there be something advanced to prove them to be perfectly innocent—unless something be shown as a standard of their innocence, I shall not attend to them, for they do not at all mitigate your offence.

Mr. HONE—I perfectly understand your lordship's intention.

Lord ELLENBOROUGH—I do not know whether these were or were not produced yesterday, but they ought not to be our fare every day.

Mr. HONE—They were produced yesterday.

Lord ELLENBOROUGH—I am sorry for it; that is all.

Mr. HONE said, that his defence rendered their production indispensable.

Lord ELLENBOROUGH—I told you early, to save trouble, that if you tendered it in evidence, I should refuse it; but in an address to the jury a wider latitude of observation is allowed; therefore I shall not check you.

Mr. HONE said he did not want to put it in as evidence. He merely wished to show that parodies had at all times been permitted, and that they had been published without any improper intention. If there had been anything criminal in Dr. Boys' parody, would it not have been noticed? At that time the Ecclesiastical Courts were most severe in censures on those who they conceived deserved them; and no man, however high, who offended those tribunals could hope to escape with impunity. There were also grave and learned judges and law officers—there was Lord Coke among others; and was it supposed, if this was an offence against the law, notorious as the act was, that it would not have been taken notice of, or that these great lawyers were ignorant of their duty? It was impossible that the sermon should

not have been well known, as it was preached at Paul's Cross, the place where the commonalty of the city of London were usually addressed by popular preachers of that day. The audiences on such occasions were most numerous.

The next parody he should mention was in the Harleian Miscellany, or the tracts of Robert Harley, Earl of Oxford. This was peculiarly opposite, because it parodied a part of the "Book of Common Prayer," for parodying another part of which he was now tried. The part parodied in the tract printed in that collection was the Service for the Visitation of the Sick. It was originally printed in 1647, and entitled "The Plague at Westminster; or an Order for the Visitation of a Sick Parliament, grievously troubled with a new disease, called a consumption of their members; with a form of prayer, and other rites and ceremonies, to be used for their recovery: strictly commanded to be used in all churches, chapels, and congregations, throughout his Majesty's three kingdoms of England, Scotland, and Ireland, &c., &c." Mr. Hone read this parody, as he did on the first trial (p. 21); and said that this was precisely a similar case to his own: it was a parody on a part of the Common Prayer; it was directed also against supposed abuses in the Commons' House of Parliament and other branches of the state; and it was also calculated to circulate among the common people, and to excite laughter, not at the thing parodied, but at the Parliament at Westminster. It was to be remembered that this was written by one of a high-church party, a party which made sacrifice of wealth and life to maintain the rites and ceremonies of the Church, which were attacked by the Republicans and Puritans of that day. So far were these men from supposing that this sort of parody would bring the productions parodied into contempt, that to ridicule their enemies they parodied one of the forms of the Church which they were in the act of maintaining with all their strength.

The next parody which he should mention was from the collection of the tracts of Lord Somers, a great lawyer and statesman, who contributed more perhaps than any other individual to the expulsion of James the Second, and the settlement under which

the present dynasty was seated on the throne. In his collection there was a parody, not on the Common Prayer, but on the New Testament. (It closely followed the first Chapter of Matthew, and was the same that he read yesterday; see First Trial, p. 30.) This parody, it was also very evident, was written by a zealous partisan of the high-church party, as it was composed in 1648, in behalf of King Charles.

Mr. HONE said, the next article he should mention was contained in the Rev. Mark Noble's Continuation of the Rev. Mr. Granger's "Biographical History of England, which, though it was not a parody on Scripture, showed that it was never apprehended by the most pious men, that a casual association of ludicrous images with matters of the Christian religion tended to weaken the respect due to that faith. Mr. Noble, in his work, said, that there was a song respecting Dr. Burnett, the author of "The Theory of the Earth," and Master of the Charter-House, beginning:—

A dean and prebendary
Had once a new vagary;
And were at doleful strife, Sir,
Who led the better life, Sir,
And was the better man,
And was the better man.

When Mr. Hone had quoted to the end of the last verse but two, (see First Trial, p. 31.)

Lord ELLENBOROUGH interrupted him. That is such mischievous matter that I shall prohibit its being read. No person, under pretence of explaining one libel, shall offend the ears of public decency by the recital of such profanations. I took down two lines—

That all the books of Moses
Were nothing but supposes.

And I prohibit the remainder.

Mr. HONE—I pledge myself that the few lines of the song I have not read have a perfectly moral tendency.

Lord ELLENBOROUGH—I will not hear them. It would deserve severe punishment if it were a modern publication.

Mr. HONE—My lord, it has been published over and over again of late years, and no notice taken of it.

Lord ELLENBOROUGH—I am sorry for it: mischievous people are to be found at all times.

Mr. HONE—The Rev. Mark Noble, the author, is a beneficed clergyman of the Church of England, and, I venture to say, has no sense of the impropriety; and if a man so well instructed could forget himself, and publish what was of a mischievous tendency, no man will charge that he did it with a view to bring religion into contempt.

Lord ELLENBOROUGH—Under pretence of defending yourself from one crime, you are not to commit another.

Mr. HONE—If your lordship will but allow me to finish the song, I will consent to be called a liar, I had almost said a blasphemer, or any other epithet however approbrious, if your lordship do not pronounce it perfectly innocent.

Lord ELLENBOROUGH—You seem to attach an extraordinary value to the remainder: let it be read, in deference to your opinion.

Mr. HONE—I am sure I shall have your lordships assent to my assertions, when I have finished.

Lord ELLENBOROUGH—No: let it be read.

Mr. HONE read as follows—

Thus, in this battle royal.
As none would take denial,
The dame for whom they strove, Sir,
Could neither of them love, Sir,
  Since all had given offence,
  Since all had given offence.

She therefore slily waiting,
Left all three fools a-prating,
And being in a fright, Sir,
Religion took her flight, Sir,
  And ne'er was heard of since,
  And ne'er was heard of since.

Mr. HONE then continued, in nearly the same order as on his first trial yesterday, to refer to various parodies. There was one, also, called Old England's *Te Deum* in the "Humourists' Magazine"; and there was a parody of the *Te Deum* published against Buonaparte in six languages. (Mr. Hone here read again Mr. Richardson's *Te Deum* against Buonaparte; for which see the first trial, p. 42.) There was also in a work of the well-known Captain Grose, the author of the "Antiquities of England," &c. called "Grose's Olio," a parody on the Chronicles, called The Chronicles of Coxheath camp. He now came to a book which abounded in parodies; it was "The History of the Westminster Election," which contained, among many others, a parody on the Chronicles, called The Chronicles of Westminster. This was published in a quarto volume by Debrett, by Beckett, bookseller to the Queen, by Faulder, the publisher of Paley's works, and other booksellers. Even Edmund Burke was a parodist. In a speech of his in the House of Commons, on the dissolution of the Rockingham administration, at a time when it was expected that the House of Commons also was to be dissolved, he thus parodied that most solemn part of the Common prayer, the Burial Service:—Speaking of the House of Commons, he said, "And now I hereby commit their body to the grave, ashes to ashes, dust to dust, in certain hope and expectation of the glorious resurrection, which by its good deeds it shall surely see." &c. The enlightened mind of Mr. Burke saw in this no tendency to irreligion, and he delivered it in the House of Commons itself; and yet Mr. Burke would now be told, perhaps, were he living, that he had been guilty of an impious libel.

He would now call their attention to a parody which was published by Mr. Reeves, some years ago, when he was at the head of a society for supporting loyalty and property against Jacobins and levellers. (See the parody, First Trial, p. 35.) The Attorney-General had spoken of the small sum for which his (the defendant's) publications were sold: but Mr. Reeves's parody was published for a penny. Mr. Reeves, however—he knew not how—had greatly improved his condition since that time, and his name stood in the

title-page of the book of Common Prayer in most general use, as patentee. In that Prayer Book he had inserted a preface, dedicated to her Majesty, in which he paid her many compliments. The gentlemen would observe also, that Mr. Reeves was a lawyer—he was a barrister, and had been a commissioner of bankrupts; but he (the defendant) did not believe that when Mr. Reeves published his parody, he had any conception that he was reviling religion. His intention merely was to convey an instruction by parodying the Catechism; and if he were now standing where the defendant did, he, as a lawyer, would tell them they could not convict him: but he had never been prosecuted; and those two books, Mr. Reeves's Common Prayer, and the parody Mr. Reeves published on the Catechism, would now go together. His lordship would doubtless recollect, that one of his sons was a member of that Association at the "Crown and Anchor;" but so ardent was the zeal of Mr. Reeves to put down levellers and reformers, that Mr. Law withdrew himself from the society. Mr. Reeves was now in a very different situation from the defendant: Mr. Reeves was a rich man, and held a situation under Government; the defendant was a poor humble shopkeeper. Would his Majesty's Attorney-General bring Mr. Reeves before the Court? No: and he ought not to bring him there; for his lordship would tell them, that Mr. Reeves had no intention to ridicule the Catechism. Neither had the defendant any such intention when he published his parody. Mr. Reeves thought that the publication of his little Tract would serve his side in politics; and the defendant had merely done the same thing with the same view. Both had made use of the press; and it was not proper that the press should be shackled, or those who availed themselves of its power oppressed and persecuted under false pretences. The press was common property; it was a great security which every man in England felt he had against injustice. Even he, as he stood there, felt that there was no one in that Court, even if disposed (which he hoped there was not) to do him an injustice, who would *dare* do so: and why? Because the act could not be hidden in a corner; it would be made known by means of a free press, and excite a public opinion which would be

terrible to the most powerful of evil-doers. Let then this prosecution, which aimed at so valuable a privilege as the liberty of the press, be put on its true ground, and be stripped of its hypocritical pretext.

Mr. HONE then quoted the sermon of Bishop Latimer, as in his First Trial, p 26. In that sermon the learned prelate had spoken of the affections and passions of men; and the defendant might turn to the Attorney-General, and ask him, when those passions arose in the breast, whether he might not have considered to what end his little productions tended. Did none of us sin without forgiveness? As men standing together in society, as Christians, there should be a feeling of mercy. This prosecution was instituted against him by the administration, and those men should have the feelings of Christians. The Attorney-General, he thought, had done him an injustice, and yet he did not think him an unjust man. The poor unhappy men who were to come up to plead here after him, what had they done? The publication of his work might have done an injury, but he was not sure that it had done so. The secret committees of both Houses, in their reports, had spoken of blasphemous publications: but when he read those passages, it never entered into his mind that they alluded to his publications; he thought they referred to some productions which had really reviled the Scriptures, and brought religion into contempt. As soon as he found that his parodies were meant, when he heard that they produced impressions on the minds of some which they conceived injurious to religion, and they thought it was wrong, he immediately, though he had not published them with a wrong intention, withdrew them from circulation. He did this without any intimation whatever, either from the Attorney-General or any person connected with the government.

His lordship had, perhaps, heard that Divines of the Established Church made, as he before said, occasional allusions to Scripture, which were not of the most reverential kind. It might, perhaps, be within his lordship's memory, that Archdeacon Paley, who, he believed, was his lordship's tutor, preached a sermon at Cambridge, at a time when Mr. Pitt, then a young man and a minister, hap-

pened to be on a visit at the University. The text of this sermon was—and, no doubt, with a view to the minister, whom he knew to be present—"Lo! here is a lad that hath five loaves and two small fishes to divide; but what are they among so many of us?" Dr. Paley was not a man of impiety—but one actively employed in inculcating sound morals into the minds of the first youth in the country. He was the author of "The Elements of Moral Philosophy," and yet he preached this sermon——

Lord ELLENBOROUGH—No, he did not. I'll correct your fact—there was never any such sermon preached.

Mr. HONE—My lord, was there no such text mentioned?

Lord ELLENBOROUGH—I can't enter into controversy. It was hardly worth interrupting you to give this denial of your fact.

Mr. HONE—It really is generally understood that such a sermon was preached. I am glad to hear it was not. I had it only from the current anecdote, which hitherto hath passed with belief.

Lord ELLENBOROUGH—You are confounding two things; there was no such sermon preached. You have heard some story, and that has misled you.

Mr. HONE—The anecdote misled me. Your lordship must have heard it talked of.

Lord ELLENBOROUGH—There was some such anecdote, and I am very sorry for it; but there was no sermon preached.

Mr. HONE—I will not persist, my lord, because I feel much obliged to your lordship for stating that there had been a story of the kind.—Gentlemen of the jury, with a view still further to show that an article may be humourously parodied, in order to excite ridicule, without either the humour or the ridicule being directed towards the article parodied, I shall read a parody on Hamlet's Soliloquy, which appeared in the *Morning Herald*, in 1808.

Lord ELLENBOROUGH—Now, what has that to do with your case? It is a parody, as you say, on some part of the play of *Hamlet*, and not on the Scriptures. It is obvious enough that it can have no reference to your case; and the jury, as sensible men,

must see that it has not. They should not have their time taken up in this manner.

Mr. HONE—My lord, I understand your lordship's notion of sensible men in a jury box very well. What your lordship means by calling the jury sensible men, is, that they will find me guilty; but my notion of their being sensible men, is, that they will acquit me. He (Mr. Hone) wished, by anything he said or read, to show the jury that in his publication he had no intention to ridicule the Scripture or the Common Prayer. If he had not, then there was no crime. The parody on Hamlet's Soliloquy commenced this way:

> To stand, or not to stand—that is the question.
> Whether 'tis nobler for us to lose th' Election,
> And all the honours that attend upon it,
> Or to demand a poll, and risk th' expense, &c. &c.

Mr. HONE, proceeding with the parodies, said, there was a parody from the *True Briton*, in the *Spirit of the Public Journals*, of 1807, on the Lord's Prayer. The proprietor of the paper at that time was Mr. John Heriott, who had a place or pension from his Majesty's Government. Was it honourable, or manly, to make such a distinction between parodists? He was quite sure that, if he had the files in Court of the *Morning Chronicle*, *Morning Herald*, the *Morning Post*, and of *The Times* some years ago, he could have produced hundreds of parodies on the Scriptures. After a lapse, however, of more than three hundred years, during which such parodies had been published, he was now first selected as the subject of prosecution; and he was persuaded that he was so selected merely because he entertained certain political opinions. He would now produce to them a parody, written by a gentleman who was virtually, though not ostensibly, one of his prosecutors, inasmuch as he was a Minister and a Member of the Cabinet Council—he meant the Right Hon. George Canning. Why was he to be prosecuted by that gentleman for doing that which he had done himself, and for the doing of which he had not been prosecuted? Nine days after he was sent to the King's Bench Prison on the present charge, he had read this celebrated parody by the Right Hon. George Canning, one of the Members of the Cabinet, under

whose authority this prosecution proceeded. Was it fair that Ministers, to excite a prejudice against a man who had only been in the habit of doing what they themselves had done, should charge him with blasphemy—a crime which they knew he had never committed. He would advise the noble lord (Sidmouth), and his friends around him, to consider well before they marked out any individual for punishment on account of such publications. He should read that parody from the Parliamentary Reports lately published by Mr. Robert Harding Evans. There were other reports of the proceedings in Parliament, but he gave the preference to this, because it appeared to be got up with a great deal of care, and bore the character of an authentic book. (The parody was cited by Earl Grey, from the *Anti-Jacobin*, and is the same as in the First Trial, p. 31.) The *Courier* newspaper, mentioned in the first line of the parody, was then an opposition paper, but it was not so now; that is, it was not now in opposition to anything except the rights and liberties of the people of England. Mr. Southey, who was mentioned in the parody, was now Poet-Laureate;* but some years ago he published a poem, called "Joan of Arc," to which were affixed "The Visions of the Maid of Arc;" and among the persons who, in the early editions, were there consigned to the place of perdition, was that only person in this kingdom who, by a maxim of law, "can do no wrong." What would the jury think of this, and yet the poet was now the Court Laureate. On the 14th of May last, when Earl Grey introduced Mr. Canning's parody into his speech, he recommended that its author should be prosecuted for such a blasphemous production, if it really were such. But he (the defendant) did not find that the Attorney-General had prosecuted Mr. Canning. If, therefore, they were to punish him, and did not punish Mr. Canning, great injustice would be done. Justice to him must be justice to Mr. Canning, and so the people of England would determine. The English government was founded on public opinion; without that it could not exist—that is, it could not exist as a free government—it would be an arbitrary despotism.

* Southey died, 1843. The present Poet Laureate is Alfred Tennyson.

Mr. HONE then exhibited Gillray's print, illustrative of Mr. Canning's parody. The poem itself, he said, appeared originally in the *Anti-Jacobin* newspaper, which was supported by Mr. Canning, Mr. Hookham Frere, and other gentlemen of Pitt principles, and paid for by a subscription raised among the Pitt school. And now, forsooth, these very men, affecting peculiar regard for religion, attacked him on that ground on which they themselves had in the same way formerly taken a stand. This zeal for religion was false. They were enraged against him for his political opinions; and in their madness they cared not what they did. He smiled at their malice; he despised them for thus abusing their power; and he would say, as it is fabled one of old said to Jupiter, who thundered instead of answering the man who was arguing with him, "Ah, Jupiter, I know thou canst kill me; but if thou wilt argue, why dost thou not answer me: instead of using thy reason, thou art flashing thy thunder. Ah, Jupiter, thou dost it in a passion, because thou art in the wrong!"

Mr. HONE then requested the jury to examine the print to Mr. Canning's parody. One Lepaux, a Frenchman, was represented as the apostle or priest of Atheism, surrounded by a group at the altar, amongst whom were *The Morning Post* and *The Courier*. In the pocket of the latter was a French paper. The jury, perhaps, might not have heard of the matter to which this alluded. There was, at the time alluded to, an evening paper called *The Telegraph*, the circulation of which pressed close upon *The Courier*. The present proprietor of *The Courier* wanted to sink the reputation of *The Telegraph;* and, to effect his purpose, he forged a French paper, called *L'Eclair*, and had it sent as from France to *The Telegraph*, where it was eagerly inserted. The news it contained immediately affected the funds. The reputation of the latter paper of course became injured on account of the fabrication; but at length the present proprietor of *The Courier* was discovered to have been the author, and paid damages to *The Telegraph* for the abominable fabrication. It was no libel upon Scripture for the Pitt school to have published the print with the Leviathan

(an animal only known in Scripture), representing the Duke of Bedford with a hook in his nose, and Mr. Fox, Mr. Tierney, Mr. Nicholls, and Mr. Thelwall, on his back; Mr. Whitbread floating on a barrel of porter in the *yeasty main* behind them; the present Lord Erskine, then at the bar, and in his gown and wig, was also in the group. All this was a libel on the right side, and therefore passed with impunity. Mr. Godwin and the late excellent Gilbert Wakefield were in the print, preceded by Messrs. Coleridge and Southey as asses supporting a *cornucopia* of *Ignorance*, without any other difference between them that he could perceive than that the ears of the latter were longer than those of the former. All this was in illustration and furtherance of Mr. Canning's parody.

Mr. Hone then produced the *Religious Play-Bill*, entitled *The Great Assize;* and the *Religious Recruiting Bill*, for volunteers to serve in the regiment raising by the Lord Jehovah. He likewise alluded to the letter of Jesus Christ, in possession of the Lady Cuba at Mesopotamia, all of which are detailed in the report of the first trial. He also alluded to the manner in which the different sacred hymns had been applied by the Dissenters to lay tunes, with the most laudable intent; a practice, however, which would be reprehensible on the same grounds on which parodies were reprehended; he repeated the instances of this practice, which he had adduced on his former trial. But these proved that persons who had the most decided religious feelings might make use of secular means for the purpose, not of bringing religion into contempt, but of supporting it.

Mr. Hone then proceeded to produce instances of parodies on that part of the Common Prayer which he was charged, by the present information, with having parodied. The first he mentioned was from "*The Rump;* or, An exact Collection of the choicest Poems and Songs relating to the late times; by the most eminent Wits: from Anno 1639 to Anno 1661: London, 1662, octavo." These were all written by the Cavaliers in support of prerogative and arbitrary power in Church and State against the Common-

wealthmen and the Puritans and Dissenters. He cited the following, entitled,

A LITANY FOR THE NEW YEAR.

From all and more than I have written here,
I wish you well protected this New year;
From Civil War, and such uncivil things,
As ruine Law and Gospel, Priests and Kings;
From those who for self-ends would all betray,
From such new Saints that pistol when they pray,
From flattering Faces with infernal Souls,
From new Reformers, such as pull down Paul's,
From linsey-wolsey Lords, from Town-betrayers,
From Apron-preachers and Extempore prayers,
From Pulpit Blasphemy, and bold Rebellion,
From Bloud and—somethings else that I could tell ye on,
From new False Teachers which destroy the old,
From those that turn the Gospel into Gold,
From that black Pack where Clubs are always Trump,
From Bodies Politique and from the Rump,
From those that ruine when they should repair,
From such as cut off Heads instead of Hair,
From twelve-months' Taxes and Abortive Votes,
From chargeable Nurse-Children in red Coats,
From such as sell their Souls to save their Sums,
From City Charters that make heads for Drums,
From Magistrates which have no truth or knowledge,
From the Red Students now in Gresham College,
From Governments erected by the Rabble,
From sweet Sir Arthur's Knights of the Round Table.
Good Lord, deliver us.

Then followed another from the same Book, called "The City of London's Litany," of which he read a short extract:—

From Rumps that do Rule against Customes and Laws,
From a fardle of Fancies stil'd a Good Old Cause,
From Wives that have nails which are sharper than claws,
Good Jove, deliver us.

From Men who seek right where it's not to be had,
From such who seek good where all things are bad,
From Wise Men far worse than fools or men mad,
Good Jove, &c.

From soldiers that wrack the poor out of doors,
From Rumps that stuff Coffers to pleasure their Whores,
Which they secretly squeeze from Commonwealth scores,
Good Jove, &c.

The next was from the "Collection of the newest and most ingenious Poems, &c., against Popery," in quarto, published soon after the Revolution :—

A NEW PROTESTANT LITANY.

From Cobweb-Lawn Charters, from sham-freedom banters,
Our Liberty-keepers and new Gospel-planters,
And the trusty kind hands of our great Quo Warrantos,
Libera Nos, &c.

From High-Court Commissions, to Rome to rejoin us,
From a Rhadamanth Chancellor, the Western Judge Minos,
Made Head of our Church by new Jure Divino's,
Libera Nos, &c.

From our great Test Records, cut out into thrums,
From waste-paper Laws, us'd with pasties and plums,
Magna Charta, Magna Farta, made fodder for bums,
Libera Nos, &c.

From a new-found Stone Doublet, to th' old Sleeve of Lawn,
And all to make room for the Pope-Lander-Spawn ;
To see a Babe born, through bed-curtains close drawn,
Libera Nos, &c.

From resolving o'er night, where to lye-in to-morrow,
And from cunning back-door to let Midwife thorow,
Eight months' full-grown man-child, born without pang or sorrow,
Libera Nos, &c.

From a God-father Pope, to the Heir of a Throne ;
From three Christian names to one Sir-name unknown,
With a Tyler milch-nurse, now the Mother's milk's gone,
Libera Nos, &c.

There was one from the 2nd part of the same Collection, beginning—

From immoderate fines and defamation,
From Braddon's merciless subornation,
And from a bar of assassination,
Libera nos, Domine.

From a body that's English, a mind that is French,
From a Lawyer that scolds like an oyster wench;
And from the new Bonner upon the Bench,
Libera nos, Domine, &c.

Mr. HONE read many others in the same spirit. There was one which he had omitted to mention in regular order, which he should now mention. It was a parody on our Litany, by Ben Jonson, in his play called *Cynthia's Revels.*

Amo. From Spanish shrugs, French faces, smirks, irps, and all affected humours,

CHORUS—Good Mercury, defend us.

Pha. From secret friends, sweet servants, loves, doves, and such phantastique humours,

CHORUS—Good Mercury, defend us.

Amo. From stabbing of armes, flap-dragons, healths, whiffes, and all such swaggering humours,

CHORUS—Good Mercury, defend us.

Pha. From waving fannes, coy glances, glickes, cringes, and all such simp'ring humours,

CHORUS—Good Mercury, defend us.

Amo. From making love by attorney, courting of puppets, and paying for new acquaintance,

CHORUS—Good Mercury, deliver us, &c.

This, the play said, was "acted first in 1600, by the then children of Queen Elizabeth's chapel, and allowed by the master of the revels;" so that in those days, Ben Jonson, who, from his works, was evidently a man of rectitude as well as genius, did not think it unbecoming to write a parody; nor did a Queen, who was scrupulous in requiring respect to things established, think it unfit to be recited, even before herself, by the children of her chapel.

Mr. Hone read other parodies on the Litany: one of which he produced illustrated by a coloured print of a nobleman, who was represented to have composed it, as follows:—

LITANY.

O Aristocracy! Government divine!!—have mercy upon us miserable place-men.

O Aristocracy, Government divine, &c.

Stars, Garters, and Promotions, proceeding from aristocracy, and power, have mercy upon us miserable placemen.

Stars, Garters, and Promotions, &c.

Remember not our offences, nor the offences of our fore-fathers when in office,—neither take from us our places or pensions. Spare us, aristocracy—spare the creatures thou hast raised, and be not angry with thy servants.

Aristocracy, spare us.

From all democracy, and new-fangled doctrines,

Aristocracy, deliver us.

From fish-women, mobs, and lamp-posts,

Aristocracy, deliver us.

From national assemblies, national guards, and national cockades,

Aristocracy, deliver us.

From people who judge for themselves, and pretend to the rights of man,

Aristocracy, deliver us.

From Tom Paine's rabble and inflammatory pamphlets,

Aristocracy, deliver us.

From the insertion of paragraphs foreign to thy laws, and the liberty of the press in general,

Aristocracy, deliver us.

From all revolution meetings, and *Ca Ira* clubs,

Aristocracy, deliver us.

From all investigations and reforms,

Aristocracy, deliver us.

We place-men do beseech thee to hear us—O aristocracy—and that it may please thee to govern the Church in *thine own way*,

Aristocracy, we beseech thee to hear us.

That it may please thee to *illuminate the head* of our *governor*, and make it rich in understanding,

Aristocracy, we beseech thee to hear us.

That it may please thee to bless and preserve the governor's wife, and keep from her all uncharitableness,

Aristocracy, we beseech thee to hear us.

That it may please thee to shower down fat livings on all righteous pastors of the church, so that they may enjoy every luxury, and by their preaching and living show it accordingly,

Aristocracy, we beseech thee to hear us.

That it may please thee to preserve for *our* use, the kindly fruits of the earth, and all the *game* thereof, so that no other may enjoy them,

Aristocracy, we beseech thee to hear us.

That it may please thee to protect such as are in power, both in church and state; to raise up them that fall; and finally, to beat down *farmers*, *curates*, and *shopkeepers*, beneath our feet,

Aristocracy, we beseech thee to hear us.

He produced another, of still later date, printed on a half-sheet, and sold at three-half-pence, entitled,

THE POOR MAN'S LITANY.

From four pounds of Bread, at Sixteen-pence price,
And Butter at Eighteen, though not very nice,
And Cheese at a shilling, though gnaw'd by the mice,
Good Lord, deliver us!

From stale Clods of Beef, at a Shilling a pound,
Which, in summer, with fly-blows and maggots abound,
Or dried by the wind, and scarce fit for a hound,
Good Lord, deliver us!

From the Tax upon Income, invented by Pitt,
Though the Great Ones contrive to lose nothing by it,
Yet we who have little are sure to be bit,
Good Lord, deliver us!

From Taxes Assess'd, now rais'd at a nod,
While Inspectors rule o'er us with their iron rod,
And expect homage paid them like some demi-god,
Good Lord, deliver us!

From Forestallers, Regraters, and all that curs'd train,
Who, to swell out their bags, will hoard up the grain,
Against which we cry out with our might and main,
Good Lord, deliver us!

From a Workhouse where hunger and poverty rage,
And distinction's a stranger to birth, sex, or age;
Lame and Blind, all must work, or be coop'd in a cage,
Good Lord, deliver us!

From six in a bed in those mansions of woe,
Where nothing but beards, nails, and vermin do grow,
And from picking of Oakum in cellars below,
Good Lord, deliver us!

From Stickings of Beef, old, wither'd, and tough,
Bread, like Saw-dust and Bran, and of that not enough,
And scarcely a rag to cover our Buff,
Good Lord, deliver us!

From the tantalised sight of viewing the Great
Luxuriously rolling in coaches of state,
While thousands are starving—for something to eat,
Good Lord, deliver us!

From feasts and rejoicings, ye Gluttons, abstain,
Since the blessings you boast of but give the Poor pain,
And of which one and all so loudly complain,
Good Lord, deliver us!

But these Burthens remov'd, then united we'll pray,
Both the young and the old, the grave and the gay—
"May the rulers be happy, and live to be grey;"
Rejoice then, ye Britons, that's our Jubilee day,
We beseech thee to hear us, Good Lord.

Mr. HONE said, that having shown that parodies were not necessarily disrespectful to the work parodied, and that they had been uniformly allowed, he should now show that his did not deserve to be made an exception to the general rule. In doing this, he said, it became necessary for him to rebut a charge in this information, of seditiously libelling the Prince Regent, the House of Lords, and the House of Commons; and here he felt a *little*, and only a little, embarrassed. His difficulty proceeded from his

conceiving the political opinions of the gentlemen of the jury might be opposed to his own. But here the difficulty was trifling, because he was sure that prejudices were fast wearing away; that men, as they intermixed more kindly, respected the conscientious opinions of each other; and believing, as he did most sincerely, that opinions wholly opposed to his views were honestly entertained by most respectable and worthy men, he also believed that such men would give him credit for as much honesty in his persuasions, and thus each would tolerate the other. He therefore, from a jury of enlightened merchants of the City of London, claimed their protection of his right to express his opinions, opposed, as he imagined they might be, to their own; and he was persuaded, that just and liberal feelings would rally in the hearts of his jurymen, and that they would do unto him as they would that men should do unto them.

Mr. HONE then proceeded to remark upon the several passages of the Litany which was the subject of prosecution, selecting such as appeared to give most offence to the political gentlemen who sought, under the guise of religion, to effect a political object in his ruin. His parody prayed our delivery, 1st, from "an un-national debt;" 2nd, from "unmerited pensions;" 3rd, from "sinecure places;" 4th, from "an extravagant Civil List;" and 5th, from "utter starvation." Now, as to the first, how few were they who doubted that many debts had been contracted by our rulers for purposes by no means national. But good Ministers could have nothing to fear from the promulgation of such things. No government could, indeed, have so much reason to fear anything as the effects of such a prosecution as he had been subjected to in this instance, in consequence of the frank expression of his mind. Then as to unmerited pensions, that was not to be understood as applying to the reward of public servants; such, for instance, as really performed their duty, upon the Bench or elsewhere, but to those who derived fortunes from the public purse, without any public service whatever; and how many such men were to be found in England! Of the "extravagant Civil List," he did not think it necessary to say anything; nor of "utter starvation"

either; for no one acquainted with London, or any of the great towns in the country, for the last twelve months, could require any information upon that point. He had himself, indeed, seen two human beings who had actually expired in the streets from absolute want. But similar scenes must have been witnessed by numbers of those who heard him, as well as by the members of the jury. In every direction the ravages of distress were visible, and most sensibly felt. Next, our delivery was prayed from the blind imbecility of ministers, as well as from the pride and vainglory of warlike establishments in time of peace. This prayer might be found fault with by his political prosecutors; but yet, who could doubt the imbecility of Ministers? He, for one, confessed that he could not. There were, he believed, some men of honest purpose among the Ministers, while they evinced the want of wisdom; but there were others connected with that body, who, while they had reputation for talent, had equal reputation for the want of principle. What then was to be expected from such a combination of integrity without talent, and talent without integrity? Nothing, surely, but imbecility. In asserting that implicitly, however, he did not mean to reflect upon the private life of any man; for, correctly speaking, the private life of a man had no connection with his fitness or capability for the performance of the great duties of a statesman. A man might be very amiable towards his family and friends, and exemplary in the performance of all the moral duties, while his mind was not large enough to conceive the obligations which attach to the character of a statesman. The mind of a good private man might indeed be quite incompetent to embrace a statesman's views, or to understand his duties. A very good man might, therefore, from such incapacity, grope as the present Ministers do, like a mole in the dark. Such a man might, notwithstanding the honesty of his intentions, or the purity of his principles, be wholly incapable of devising means to maintain the lustre, the dignity, and the honour of the country. Every little thing would be to them of a distorted importance, as to an animalcule a grain of granite was a universe. He could mean no reflection, therefore, upon the personal character of the

Members of the Administration, when he charged them with imbecility. Now, as to the warlike establishments in time of peace, he put it to the jury, whether such establishments did not at this moment notoriously exist. There was an Act of Parliament, no doubt, to sanction their establishments; but this country had often witnessed Acts of Parliament which were not entitled to public respect—which were, indeed, in direct contradiction to the principles of the British constitution. This he said, because he thought so; and was it not better that he and others should be encouraged to express their mind, than to conceal it, and reserve the expression for secret conspiracies? Every rational man would answer in the affirmative. It was always more desirable to any considerate man to be told when and where he was wrong, than to have the advantage of such information withheld from him. Such must be the case with every man who was not deaf to his own interest. For himself, he could have no hesitation in saying, that he should esteem the friend who frankly told him that he was wrong, because he should thus learn how to correct himself; and the Ministers who did not so feel towards any man who informed them of their errors, must be insensible to their interest, as well as indifferent to their character. A government which would not hear the truth must be a despotism. He did not mean that calumny should be tolerated, but that the expression of truth should be encouraged. No honest men could have anything to fear even from misrepresentation; for honesty was always sure to defeat that, whether it applied to government or to individuals. Why should government be afraid of truth or falsehood in any case? Nothing but weakness could produce such fear, and that weakness must be pitiable. Another prayer appeared in the Litany, that the country should be delivered from all the deadly sins attendant upon a corrupt method of election—from all the deceits of the pensioned hirelings of the press. But who could deny that the most flagitious corruption prevailed in the prevalent system of election for Members of Parliament. Such corruption was indeed as notorious as the sun at noon-day; and therefore this prayer could not be condemned, unless upon the ground that truth

was a libel; and this was a doctrine never recognised by any jury (who were entitled to judge of the law), although generally asserted by the judges. But for himself, he could not conceive how truth, with respect to any public act or public officer, could be deemed a libel; and he hoped the jury whom he had the honour to address would not give up their right of decision upon this material point to the *dictum* of any individual. Another prayer appeared in this Litany, for our deliverance from taxes levied by distress—from gaols crowded with debtors—from poor-houses overflowing with paupers. As to the first, it was universally known that the greater part of the taxes were levied by distress at the time this Litany was published. One tax-gatherer, indeed, employed in the vicinity of Fleet Street, had told him, that he had levied more distress for the payment of taxes within the preceding nine months than he had done within the sixteen preceding years. When, then, such calamity existed—when all things were going wrong, where was the harm of saying so? or was it not rather desirable to make it known? Were an individual told that his affairs were going wrong, his first object would be to cast up his accounts, in order to see the magnitude of his danger, and to provide some remedy, while he would thank the person who roused him to a sense of his danger. And why should not the government be equally grateful for similar information and excitement to inquiry? It would be so, if its members were not imbecile, self-conceited, and supine. Then as to prisons crowded with debtors, was there a quarter of England, or a man in the country, that could not testify to this fact? He himself had seen the condition of the King's Bench Prison. The day upon which he was committed to the King's Bench Prison in consequence of this prosecution, he was put inside the gate, and found himself within the walls—at liberty to go where he liked for an abiding place. At length he applied at the door for the tipstaff by whom he was taken into custody, and brought in, requesting to know where he was to get a lodging? In consequence of this application he was conducted to the coffee-room, where alone he could, from the crowded state of the prison, find any sort of decent accommodation. Such was

the statement to him at the time, and such he afterwards found to be the fact. At the coffee-room he took up his abode as a boarder; for he was under the necessity of paying three shillings a night for sleeping in a room, in another part of the prison, with three other persons. This inconvenience, which he most sensibly felt, both in person and in pocket, was inevitable, from the extremely crowded state of the prison. Another proof of the crowded state of our prisons he had lately seen at Maidstone, where a prison to occupy fourteen acres of ground, was nearly completed, avowedly with a view to provide accommodation for the miserable prisoners of the county of Kent, in addition to that afforded by the county gaol. With respect to the overflow of poor-houses, he did not think it necessary to say anything upon that point, as every gentleman of the jury must, no doubt, be competent, from his own experience and information, fully to decide the truth of that allegation. The next prayer of this publication was as to "a Parliament chosen only by one-tenth of the people—taxes raised to pay wholesale butchers their subsidies—false doctrines, heresy, and schism—conspiracies against the liberty of the people, and obstacles thrown in the way of our natural and constitutional rights." That Parliaments were not chosen by more than one-tenth of the people was, he apprehended, an indisputable fact. He himself had been for the most part of his life a housekeeper, and yet he had never enjoyed the right of voting for a member of the House of Commons. This he must and ever should consider a great grievance. He, and others similarly circumstanced, were no doubt told that they were represented *virtually* as some class. But this was a mere delusion, only aggravating the unjust privation of his right by an insult to his understanding. Then, as to human butchers, in what other light were those to be regarded who let out their subjects to be shot at, or to shoot at others for hire? False doctrines were surely chargeable upon those who sanctioned those notions of "legitimate right," which were inconsistent with the constitution and conduct of this country. But such doctrines were to be expected from those ministers who were inattentive to the wants of the people, who disregarded the example of the noble

Sully, the great minister of that truly great sovereign, Henry IV., who said, in the spirit of real benevolence and princely duty, that his utmost ambition was that every peasant in his dominions should have each day a pullet in his pot. The existence of conspiracies against the liberties of the people was, he observed, sufficiently obvious from the suspension and re-suspension of the Habeas Corpus Act. The next prayer to the government was, "that ye spend not extravagantly the money raised from the production of our labours, nor take for yourselves that which ye need not." This was surely not to be condemned, especially after government had sanctioned the scandalous Lisbon job, in which Mr. Canning took from the public purse no less than £14,000 for doing nothing, in a situation in which his predecessor, who had something to do, received only £6,000. Yet this deduction from the public purse, at a period of dire distress, Ministers made for this most improper purpose, and Mr. Canning accepted the bribe without the excuse of necessity, for his means were ample. Did not such a transaction, amidst a thousand others, justify an allusion to public money spent extravagantly, and given to those who needed it not?

Mr. HONE then adverted to the mode of prosecution by information, which was adopted against him, and said, that the statesmen who effected the Revolution had expressly stipulated for the abolition of this practice, though the stipulation appeared not to have been subsequently fulfilled. The whole of the recent proceedings of the Administration had his total disapprobation, and therefore he commented upon them through the medium of parodies. Their measures were those of little men of little minds; their measures were the objects of his contempt, and the men themselves, as Ministers, were the objects of his pity. It was with pleasure, therefore, that he ever from that quarter heard anything accidentally advantageous to the country, and thence he was gratified by the declaration of the Attorney-General on the preceding day, that he held in equal estimation all classes of Christians, no matter what were their particular forms of worship.

Mr. HONE said, he was by no means exhausted, but he was afraid of tiring the jury, whom he most respectfully and sincerely thanked for their patience. If they required it, he would go through every supplication to our rulers in the parody, to show that what he said he was justified in saying—that it was true, and not libellous—that if there was ridicule, those who rendered themselves ridiculous, however high their station, had no right to cry out because they were ridiculed. He *intended* to laugh at them. They were his vindictive prosecutors, and his hypocritical persecutors; and laugh at them he would, till they ceased to be the objects of his laughter by ceasing to be Ministers. He expressed a willingness to expound the whole of the parody, in order to remove the imputation of libel, if the jury thought it necessary; but perhaps the specimen of his remarks on the parts he had read would be sufficient. The gentlemen of the jury would take the parody with them, and consider it coolly at their leisure, and draw their own conclusions, whether he proceeded through the whole or not. Mr. Hone was resuming when he was stayed by

A JURYMAN—It is not necessary for you to read any further; we are satisfied.

Mr. HONE said, Gentlemen, I thank ye—He was glad on many accounts to hear the jury were satisfied, and would trouble the jury but a short time longer. He never intended by these parodies to excite ridicule against the Christian religion, and none but the weakest men could honestly suppose so, and even they did it without consideration. His intention was merely political. It was done to excite a laugh. Was a laugh treason? Surely not. "The lean-faced *Cassius* never laughs." The learned judge who tried the cause yesterday (Mr. Justice Abbott) had said, that to take the name of the Lord in vain was profanation. Let Mr. Attorney-General look to this; for he found that he had made a free use of this hallowed name at the late trial of Mr. Wooler. When he made this allusion, he begged to assure the learned gentleman that nothing was further from his mind than any notion that in the extracts from the Attorney-General's speech, which he was about to read, the name of God was introduced in any other

way than that which might be done in an earnest and rapid delivery. But the Attorney-General had made in his speech on Mr. Wooler's trial, the following expressions :—

"There are some persons who suppose, or choose to state they suppose, that persons filling the situation which I fill (*God* knows unworthily) are servants of the Crown."

"The prosecution is not instituted on my own judgment (for *God* knows that is weak), but in concurrence with that of my learned friends."

"If any man can doubt that the defendant meant this as a libel upon Ministers, *God* defend my understanding."

"If he did not mean to violate the law of the country, in *God's* name let him show it."

"If he can show, by a preceding or following sentence, that this is not the meaning intended to be expressed, in the name of *Heaven* let him do it."

"*God* knows a great deal of my life has been spent in public."

"God forbid, that it should be said the highest and lowest man are not equal in the eye of the law."

"Thank *God*, the richest and the poorest man are equally protected."

Mr. HONE begged to remind the Attorney-General of what he had stated yesterday respecting the Ten Commandments, and the reverential awe which ought to be entertained for them. One of these commands was, "Thou shalt not take the name of the Lord thy God in vain;" but it appeared that the learned gentleman himself had broken this commandment. He was sure that the learned gentleman had no intention of breaking the commandments, or degrading sacred subjects, and therefore he was morally absolved from the consequences of the impression which such irreverent appeals to the Deity might produce. The defendant absolved him from any intention of taking God's name in vain, and he wished the same construction to be put on the parodies which he had written.

He concluded by imploring the jury, if they thought him capable of sending forth the publication with the intent attributed to him, to find him guilty; but if, as he anticipated, they dis-

believed that he had published with such an intention, then he relied on a verdict of Not Guilty. His politics was his crime; and if he were guilty, the real libellers were those who instituted the prosecution against him, for their punishment should precede his. Why did Mr. Canning escape, if he, Wm. Hone, were guilty? The Ministers knew they had among them those who had gone "unwhipped of justice." The Right Hon. George Canning was the man represented in Gillray's graphic parody on the ascent of Elijah, which he had in his hand, as holding forth his arms to catch the mantle falling from Mr. Pitt, who was, like Elijah, mounting in his chariot to the skies. He thanked the jury for their patience; everything he valued in life was in their hands—his character, his reputation, his subsistence. He asked from them no mercy, he wanted only justice. If they thought he published the parody with the intent attributed to him, then let him be

"Lash'd for a rascal naked through the world."

If, as his conscience told him, they thought otherwise, then they would send him home to his family instead of the King's Bench Prison.

Mr. Hone's address lasted from a quarter to eleven o'clock to a quarter past five o'clock. He was about to call evidence to prove that he stopped the circulation of the parodies when he found they were considered offensive; when

The ATTORNEY-GENERAL rose, and submitted that evidence of stopping the publication could not be received in a case where the mere fact and intent of that publication were to be considered.

Lord ELLENBOROUGH—You are right as to the rule of evidence. It has nothing to do with the issue on the verdict of Guilty or Not Guilty. At the same time I shall take this evidence as a circumstance to be considered *in mitigation of punishment*, if the defendant should be convicted. This may be a convenient way of taking the evidence for him, as he might be put to the expense of affidavits on a future occasion, if it were now rejected.

Mr. HONE—I merely adduce it to show how soon I stopped the publication.

Lord ELLENBOROUGH—That will not do away the offence, though it may be a very considerable mitigation of the punishment.

The ATTORNEY-GENERAL—In that light I can have no possible objection to its being received.

BENJAMIN GRIMSEN deposed, that he was the defendant's shopman at the time the sale of the parodies was stopped by order of defendant. Witness entered into defendant's service at the beginning of January last, at which time the sale of the parodies was very considerable. They were indeed in the highest sale at the time they were stopped. There was a great deal of application for them both by private individuals and by booksellers, after the sale was stopped. It was stopped on the 22nd of February. There were about 3,000 sold altogether.

The ATTORNEY-GENERAL—We admit the defendant stopped his own sale on the 22nd of February.

Mr. HONE—I am obliged to the Attorney-General, but I would rather the jury should take it from the mouth of the witness.

WM. M'DONNELL deposed, that he was the shopman of Mr. Hone, and had immediately succeeded Benjamin Grimsen; that he was never allowed to sell "Wilkes's Catechism," although several persons applied to him for it; some of those applicants having tendered half-a-crown and more for a copy of it, while one offered a pound note. To a question from the Judge, witness answered that he entered into the defendant's service about the beginning of April last. He was cautioned against selling any of these parodies.

Lord ELLENBOROUGH—Then you had them in the shop?

Witness—No, my lord.

Lord ELLENBOROUGH—What do you mean by being cautioned?—a caution would be superfluous, if the parodies were not there.

The Witness—Large sums were offered. I could have got £1 for one; and the caution was, lest a stray one should be picked up in rummaging the shelves.

GEORGE BUTLER, of Castle Street, in the Borough, deposed, that he called at the defendant's house about April last, with a view to purchase some copies of "Wilkes's Political Catechism,"

but that the shopman, as well as the defendant himself, refused to let him have any; that this refusal served to interrupt a friendship of twenty years' standing, which he had had with the defendant.

Mr. HITCHINGS deposed, that he applied in vain at the defendant's shop, about the beginning of March last, for copies of the parodies, including "Wilkes's Catechism:" that he did not know anything about those parodies, until he heard of their having been prosecuted, and then, from curiosity, he became anxious to see them.

The ATTORNEY-GENERAL rose to reply—He said, that the consideration of this case had occupied so much time, that he would endeavour to compress what he had to say into as little compass as possible. The defendant had alluded to some expressions which he supposed had fallen from him on a former occasion. In speaking of toleration, the defendant had supposed that he held in equal esteem and veneration men of all professions of religion. This was a mistake: what he had said was, that if a man was a Christian, though his mode and form of worship might differ from the forms of the Established Church, to which he himself belonged, yet if he performed his duty towards his God, and believed in the essential articles of the Christian faith, he held that man in estimation and regard—not in equal estimation. As to the allusion to his having taken the name of God in vain on a former trial; all he had to say was, that he knew nothing of the accuracy of the report; but if Mr. Hone could derive any advantage from his admission, he was free to say, that he had much blame to take to himself for making too free a use of the name of his Maker in attesting the sincerity of the opinions he was then delivering. This he confessed was wrong; for he hoped that all persons would remember that the great Mr. Boyle never uttered the name of God without a pause, at the same time showing his reverence by the obeisance of his body. But this really had nothing to do with the question. The impropriety of one man could not be an excuse for that of another. As to the filing of an information *ex officio*, it was part of the law of the land: it had been part of the common law from the earliest times, and was

recognised by the statute law. The subject did not pass over without great consideration at the time of the revolution. The great men of that day redressed such abuses as they thought required redress. There having been a right to file informations by the Master of the King's Bench, and private persons having made use of him to create vexatious proceedings, a law was passed in the 4th of William III., reciting those facts, and transferring and confining the power to the Attorney-General. He denied that the defendant had any ground of complaint on account of the delay, which had, in fact, arisen from a desire to show all reasonable indulgence. It was for them to consider whether this were a libel, and whether the intention of the publisher was to produce those consequences which must result from it. The defendant had occupied a considerable portion of their time in stating that, at different periods of our history, parodies had been published on the Scriptures. This fact, however to be lamented, afforded no justification; many of those parodies which he had read to-day were profane, were impious, were libellous. Without meaning to detract from the debt of gratitude owing to Martin Luther, he must say, that he had profaned the Holy Writ. The same might be said of Dr. Boys. And as to the other parodies of later times, by whomsoever written, they were profane, and, being profane, were the subject of prosecution. The Scriptures should be looked upon with a sacred eye, and never be used for secular purposes. Equally objectionable would it be to apply obscene tunes to the Psalms of David, or even the hymns of Dr. Watts. But these points had as little to do with the case, as the prints which the defendant had exhibited. He (the Attorney-General) had selected the defendant for prosecution because he had taken the lead in these recent parodies. The defendant asserted, that he did not mean to do wrong; but we must judge by the actions of men; and what he charged was, that no man could read this work without seeing that it must lessen that sacred regard and reverence which every Christian owed to the public service of the Church. If any man were to parody the prayers of any of the sectaries of the Church, supposing them to be consistent with Christian wor-

ship, he would commit an offence against religion. If the doctrines urged by the defendant to-day were to be established in a court of justice, it would produce such an inundation of blasphemous publications as nothing perhaps could check. He saw from the title-page that the defendant had published several tracts of a similar nature, which were to be had at his shop, in order, no doubt, that there might be a collection of parodies like those which he had read to-day. He should, to the last hour of his life, declare, that he should not have been fit, nor ought he to have been suffered to have retained his situation a moment longer, as the law-officer of the public, if he had not followed up these prosecutions. He called himself the law-officer of the public, because he stood there as counsel and prosecutor for the sake of preserving reverence and awe for religion and the sacred service of the Church of England. Take, said the Attorney-General to the jury, this Prayer Book and this pamphlet, compare them together, and I have no doubt you will say that the latter was intended to bring the former into contempt. I have done my duty; I leave you to do yours.

Lord ELLENBOROUGH then proceeded to charge the jury. They would recollect the evidence they had heard on the part of the defendant, that he had stopped the circulation of this work on the 27th of February; but when he told them this, it was no matter of consideration on the question of Guilty, or Not Guilty. Every man might endeavour to do away his offence by a sort of reparation: he had, however, had the painful duty of sitting, when the crime of forgery was brought before him, in cases where the money had been sent back; but so little had this been attended to, that the severest penalties of the law had been enforced. The fact which the defendant had proved could only have effect in mitigation of punishment. The information charged that this was an impious and profane libel: it was a libel on one of the most beautiful compositions that ever came from the hands of men: it was a part of the ritual even before the Protestant form of worship was established; and to bring this into ridicule, to endeavour to write down the Litany, was impious and profane. It was said

that there was no such intention; but the law considered that every man intends that which he has done. The smallness of the price for which these works were sold only accelerated the sale, and increased the danger. One offence could not be justified by another: on the contrary, it was an aggravation to say, that persons had done so before, and thence to add to the number of offenders. Amongst all the parodies which the defendant had read, he could not find any that bore any proportion to the enormity of the present. The Litany, and all the forms of prayer, were in our statute books, as much as the law of inheritance, which gives to a son the estate of his father. Lord Hale, venerable as well for the sanctity of his character, as for the profundity of his learning, had declared, as the Attorney-General had told them, that Christianity was part of the common law of the land. If this publication were not to ridicule religion, let them take it with them, and see what other purpose it could answer. To raise a laugh—a laugh at whom, if it were not at religion? The last passage in the work seemed to be the worst; for there, instead of the solemn and impressive words, "May the grace of our Lord Jesus Christ, and the love of God, and the fellowship of the Holy Ghost, be with you all evermore; it said, "May the grace of our Lord George, and the love of Louis XVIII., and the fellowship of the Pope, be with you all evermore." The defendant had adverted to many grievances that did not exist. The right of filing informations *ex officio* was expressly saved to the Attorney-General by the statute of William. And as to granting copies of the information, in what instance had such copies ever been granted to any subject of the realm? Did the defendant wish a particular law for himself? He said he was ignorant of the charge to which he had to plead. What! did he not publish this work; and how could he not know what the charge contained? Then what other grievance had he to complain of? Was it that he was discharged upon his own recognisance? It was now for them to consider whether the defendant was guilty. Different persons, it was said, had published similar things. As to going up to the time of Martin Luther, Boys, and so on, the habits of those times were totally

different; the first scenic performances were mysteries or representations of incidents in Sacred Writ. Luther himself was not very temperate when he was engaged in controversy. There were many things in the parodies which have been read that must be considered as profane and impious; but this of the defendant transcended them all in magnitude. He would deliver them his solemn opinion, as he was required by Act of Parliament to do; and under the authority of that Act, and still more in obedience to his conscience and his God, he pronounced this to be a most impious and profane libel. Believing and hoping that they (the jury) were Christians, he had not any doubt but that they would be of the same opinion.

(His lordship, who appeared much oppressed with indisposition during the latter part of the trial, delivered his charge in so faint a tone, that it was scarcely audible beyond the Bench.)

The jury then, at a quarter past six, retired; at eight they returned; and their names having been called over, the foreman, in a steady voice, pronounced a verdict of—NOT GUILTY.

The Court was exceedingly crowded; and as soon as the decision was heard, loud and reiterated shouts of applause ensued. His lordship called upon the sheriffs to preserve order; but the expression of feeling was so universal, that all interposition was impossible. The crowd then left the Court, and, mixing with the multitude in the hall and in the passages, communicated their feelings with their news, and the loudest acclamations of applause filled the avenues, and were echoed through Guildhall and King Street, which were extremely crowded. Never, indeed, was a greater degree of public interest excited upon any trial. The Court was crowded throughout the day; and for several hours before the jury retired, Guildhall was as full as upon the assemblage of a Common Hall. The sensation produced by the result of this important trial cannot be described. Before his lordship left the Court, he asked the Attorney-General what case he would take next. The Attorney-General replied, that he should take next that which stood next in order—"The KING against HONE, for the 'Sinecurists' Creed.'"

Mr. Hone endeavoured to leave the Court privately; but he was recognised by some persons in the Court, who, in their exultation, were forgetful of the great fatigue he had undergone during his trials on this and the preceding day. He was pressed upon by innumerable greetings, and hands shaking, and was desired on all sides to get into a coach; but this he positively declined, and almost overpowered by the eagerness of salutation, escaped into the Baptist-Head Coffee House, Aldermanbury; where he was joined by a few friends. After having taken some slight refreshment, he walked home unrecognised, to his anxious family. On his arrival he was much indisposed, and apparently too much exhausted to undergo the fatigue of defending himself on the third trial, which was appointed by the Attorney-General and Lord Ellenborough for the next morning, at half-past nine o'clock, on an *ex-officio* information for publishing a third Parody, entitled "The Sinecurists' Creed."

THIRD TRIAL.

THE KING *AGAINST* WILLIAM HONE,

ON AN EX-OFFICIO INFORMATION FOR PUBLISHING A PARODY ON THE ATHANASIAN CREED,

ENTITLED

"THE SINECURISTS' CREED."

TRIED IN GUILDHALL, LONDON, ON SATURDAY, DECEMBER 20, 1817, AT THE LONDON SITTINGS AFTER MICHAELMAS TERM.

BEFORE LORD ELLENBOROUGH AND A SPECIAL JURY.

ON the night of Friday, the 19th of December, 1817, immediately after the verdict of Not Guilty on the trial of the second information against Mr. Hone, for the parody on the "Litany," it was settled by the Lord Chief-Justice and the Attorney-General, that the trial of the third information, for the parody on the "Athanasian Creed," should commence the next morning; yet it was believed on all hands, that the third information would not be then brought on; and, indeed, it was generally supposed it would be abandoned altogether. The most obvious reasons were, that as two verdicts had been given for Mr. Hone, by two different juries, the Ministers of the Crown could with no good grace put him upon his trial a third time; and further, that fatigued as he had been, by long previous anxiety, and the exertions of two successive days—on the first of which he spoke near six hours, and on the second near seven hours—it would be indecent to bring

him into Court a third time, without the lapse of a single day, and calculate upon the previous exhaustion of his bodily strength for that success which they could not hope for while he retained it.

However, it being understood on the following morning, Saturday, December 20th, that the third information would really be tried, the avenues of the Court were crowded at an earlier hour than on the two former days, and public curiosity was at its height. The sheriffs, city marshals, and an increased body of peace-officers, were in attendance. At a quarter-past nine the Attorney-General appeared in Court, and about the same time the youth (Mr. Hone's brother) brought in a larger quantity of books than before, which he placed in order on the table of the Court. Mr. Hone himself did not arrive until half-an-hour afterwards. He appeared exceedingly ill and exhausted.

At a quarter before ten o'clock, Lord Ellenborough being seated on the bench, Mr. Law stated that the prosecution was the King against Hone, on an *ex-officio* information; and proceeded to call over the names of the jury. Though the Court was crowded to excess, the most profound silence prevailed.

Only seven special jurymen attending, the ATTORNEY-GENERAL prayed a *tales*.

The ATTORNEY-GENERAL challenged William Green, one of the talesmen who served on the jury the day before.

Mr. HONE immediately rose, evidently labouring under great indisposition, and begged that he might be allowed time to recollect himself. A moment after, he said he objected to that peremptory challenge of a common juror, and required the cause of it.

The ATTORNEY-GENERAL observed that the Crown had a right to challenge, without assigning any cause, until the panel was gone through. If there did not then appear to be a sufficient number to form a jury, he should, if called upon, state his reasons for challenging any individuals.

Lord ELLENBOROUGH said—The defendant might in that case call upon the Attorney-General, but not before—that he believed was the rule of law.

Mr. HONE was at this time sitting down, and appeared extremely agitated.

Lord ELLENBOROUGH—I believe, Mr. Hone, you have not heard the observation of the Attorney-General.

Mr. HONE replied, that he did not distinctly hear it.

His lordship repeated the words, and assured the defendant that he should have the benefit of any legal objection that appeared material to his defence.

Mr. HONE—I am thankful to your lordship.

The ATTORNEY-GENERAL challenged J. Matthews, merchant.

Mr. HONE again rose to object to the challenge.

Lord ELLENBOROUGH repeated the assurance he had made, and the defendant sat down evidently seriously indisposed—he was much convulsed.

A gentleman at the bar, who sat near the Attorney-General, having made some remark upon the appearance of Mr. Hone,—

The ATTORNEY-GENERAL addressed his lordship—What he had to state, he said, did not arise from a wish on his part to postpone the proceedings of the Court; it arose from a very different source. Mr. Hone appeared to be very unwell; and it had been just suggested, that a delay of the proceedings might be necessary, in consideration of his probable inadequacy to enter upon his defence with the full command of those energies which he possessed in a very considerable degree. This was a ground of postponement that could by no means be controverted.

Mr. HONE—I make no request, my lord.

The ATTORNEY-GENERAL—The defendant certainly appeared unable to make any great physical exertion, and as it was necessary for him to have a full control upon so serious an occasion, the postponement might be desirable.

Mr. HONE said, he was thankful for the offer of indulgence. He certainly felt much agitation, but it was not agitation of mind. He was merely exhausted from the effort of the day before. In a little time, he hoped to be so far recovered as to be able to enter upon his defence.

Lord ELLENBOROUGH—Mr. Hone, you will now make a pru-

dent and discreet election; for if the trial begins, I shall not be able to put a stop to it.

Mr. HONE—My lord, I make my election to proceed now, if your lordship pleases.

The following gentlemen were then sworn:—

THE JURY.

GEORGE MOREWOOD, Pancras Lane.
GEORGE ELWALL, Love Lane.
ROBERT EDGAR, Fenchurch Street.
DANIEL ECKENSTEIN, College Hill.
JAMES BARRY, Cateaton Street.
JAMES BROCKBANK, Bucklersbury.
WILLIAM CLERK, Philpot Lane.
Merchants.

RICHARD LEWIS.
ALFRED COLES.
JAMES PEARCE.
FREDERICK SANSUM.
ANTHONY KING NEWMAN.
Talesmen.

Lord ELLENBOROUGH—The jury is now formed; and, lest you may suppose that you can object to them hereafter, I must state, that you will not have such an opportunity. If you have any objection, advance it now—there will not be an opportunity at a future time. Should you have any objection to the Attorney-General's challenge, you must rely on it now.

Mr. HONE—I thought there would be a future time to discuss it.

Lord ELLENBOROUGH—There will not. I rather think you will find nothing in the challenge to excite suspicion; but don't be advised by me.

Mr. HONE—The jury are all strangers to me. I have no doubt that they are respectable and conscientious men, and I wave the objection altogether.

Mr. SHEPHERD then opened the pleadings. This was an information filed by the Attorney-General against the defendant, for publishing an irreligious and profane libel on that part of the Divine Service of the Church of England, denominated "The Creed of St. Athanasius," with intent to scandalise and bring into contempt the said Creed.

The ATTORNEY-GENERAL now commenced his address to the

jury, observing, that the information which he had thought it a part of his official duty to file against this defendant, charged him with the publication of a profane libel on that part of the service of the Church of England which was called the "Creed of St. Athanasius." The tendency, if not the object, of such a libel, appeared to him to be to excite impiety and irreligion in the minds of those who might read it, and to bring into ridicule and contempt the mode of celebrating Divine worship in this country. That Christianity was a part of the law of England, was a proposition which no man could deny; for it had been so held from the earliest periods of our history. At the Reformation, and by several subsequent Acts in the reigns of Edward VI. and of Elizabeth, the form of the national religion was established. But after the restoration of Charles II. the Act of Uniformity, as it was called, was passed, and provided that form of public prayer which was inserted in the Common Prayer Book, and ordained to be kept in all parts of the country, as a record to be produced, if necessary, in Courts of Justice. Whatever relaxation from penalties imposed by this statute might have taken place since that time, the Act, in other respects, remained untouched, the established form of prayer was left sacred, and was to be defended against all who sought to bring it into contempt. Whatever differences of opinion might prevail on the doctrinal points of the Athanasian Creed, amongst different religious sects, it was a part of the Church Service, as established by law in England. And although the law did not forbid the decent discussion of the theological subjects to which it referred, it ought not to allow it to be scoffed at, or treated with general ridicule. It was for the jury to decide whether this was not the true character of the publication recited on the record, and whether this did not amount to the offence of libel. There could, he apprehended, be no doubt with regard to the tendency of the work: but it might be urged in the course of the defence, that such was not the object of the author in publishing it. But he must take leave to say, that if a man advisedly did a wrong act, he was answerable for its natural consequences, because it was his duty to reflect upon its tendency and nature before he committed

it. Now, writing and publishing were plainly acts of deliberation, in excuse of which, if they were wicked or unjustifiable, it was impossible to allege a momentary impulse or the infirmity of human nature. He was astonished, indeed, that such a pretence should be employed, as that the defendant was unconscious of the tendency of the writing in question. From the number of books which he saw on the table, it might be attempted to show that similar works had been circulated by other persons. But whoever they were, or whatever their merits in other respects, he had no hesitation to say, that they had been guilty of the same offence, and that such instances could, therefore, constitute no justification of the defendant's conduct. The libel in question must be judged upon its intrinsic contents alone, and not by the authority of parodies equally offensive. The Attorney-General then read several passages from the paper he held in his hand, which was entitled "The Sinecurists' Creed," and proceeded to show that those passages were a parody upon many parts of St. Athanasius's Creed, by reading the corresponding paragraphs. The injury likely to arise from the dissemination of this awful system of impiety would be, the Attorney-General observed, particularly great in the case of those who were not enlightened by education, and who were therefore easily initiated into bad principles by publications of that kind. But that was not the only class that would suffer. When children were brought up in the principles of Christianity, the best expectations might be entertained from their mature years; but if they were not protected from these inroads, the great bond that linked man to man would be shaken, and there was no vice that did not afford a speedy promise of becoming greater and more uncontrollable. The man whose acts led to this unfortunate event must be responsible. His fault arose not from oversight or thoughtlessness, but from a cool deliberation. It would be for the jury to say whether the defendant's publication was calculated to have the impression he described.

Mr. SWANSON, clerk in the office of the Solicitor to the Treasury, proved that he purchased the pamphlet on the 17th February, at Mr. Hone's late shop in Fleet Street, &c.

Lord ELLENBOROUGH—Perhaps it may not be thought necessary by the defendant, that St. Athanasius's Creed should be read.

Mr. HONE wished it to be read, that he might have the more time to prepare his defence.

Lord ELLENBOROUGH—I had better give you time expressly than take up the time of the Court unnecessarily. The Creed shall, however, be read, if it is your wish.

Mr. Law read St. Athanasius's Creed; after which he read the publication charged as a libel.

THE SINECURISTS' CREED, or BELIEF; as used throughout the Kingdom. Quicunque vult. By Authority. From Hone's Weekly Commentary, No. II., London: Printed for one of the Candidates for the Office of Printer to the King's Most Excellent Majesty, and Sold by WILLIAM HONE, 55, Fleet Street, and 67, Old Bailey, three Doors from Ludgate Hill. 1817. Price Twopence.

THE CREED OR BELIEF.

¶ *Upon all suitable occasions may be sung or said the following CONFESSION—upstanding and uncovered.*

Quicunque vult.

WHOSOEVER will be a Sinecurist: before all things it is necessary that he hold a place of profit.

Which place except every Sinecurist do receive the salary for, and do no service: without doubt it is no Sinecure.

And a Sinecurist's duty is this: that he divide with the Ministry and be with the Ministry in a Majority.

Neither confounding the Persons: nor dividing with the Opposition.

For there is one Ministry of Old Bags, another of Derry Down Triangle:* and another of the Doctor.

But the Ministry of Old Bags, of Derry Down Triangle, and of the Doctor, is all one: the folly equal, the profusion co-eternal.

Such as Old Bags is, such is Derry Down Triangle: and such is the Doctor.

Old Bags a Mountebank, Derry Down Triangle a Mountebank: the Doctor a Mountebank.

* *Triangle is a thing* having three *sides;* the meanest and most tinkling of all musical *instruments;* machinery used in military *torture.*

Old Bags incomprehensible, Derry Down Triangle incomprehensible: the Doctor incomprehensible.

Old Bags a Humbug, Derry Down Triangle a Humbug: and the Doctor a Humbug.

And yet they are not three Humbugs: but one Humbug.

As also they are not three incomprehensibles, nor three Mountebanks: but one Mountebank, and one incomprehensible.

So likewise Old Bags is All-twattle, Derry Down Triangle All-twattle: and the Doctor All-twattle.

And yet they are not three All-twattles: but one All-twattle.

So Old Bags is a Quack, Derry Down Triangle is a Quack: and the Doctor is a Quack.

And yet they are not three Quacks: but one Quack.

So likewise Old Bags is a Fool, Derry Down Triangle is a Fool: and the Doctor is a Fool.

And yet not three Fools: but one Fool.

For like as we are compelled by real verity: to acknowledge every Minister by himself to be a Quack and Fool;

So are we forbidden by state etiquette: to say there be three Quacks, or three Fools.

Derry Down Triangle is made of none: neither born nor begotten.

Old Bags is of himself alone: a Lawyer bred, a Lord created, by his Father begotten.

The Doctor is of Old Bags, and of Derry Down Triangle: neither made, nor created, nor begotten, but proceeding.

So there is one Old Bags, not three Old Bags: one Derry Down Triangle, not three Triangles: one Doctor, not three Doctors.

And in this Ministry none is afore or after the other: none is greater or less than another.

But the whole three Ministers are co-Charlatans together, and co-Tricksters.

So that, in all things, as is aforesaid: the Majority with the Ministry, and the Ministry in the Majority, is to be worshipped.

He therefore that will be a Sinecurist, must thus think of the Ministry.

Furthermore it is necessary to his Sinecure's preservation: that he also believe nightly the mystification of Derry Down Triangle.

For the Sinecurist's right faith is, that he believe and confess: that Derry Down Triangle, the *queue** of the Ministry of the great man now no more, is now both Minister and Manager.

* Kyntie, sf. tail, stalk, cue, trail, &c.

Minister, first selling the substance of his own country to this: Manager scattering the substance of this over all the world;

Perfect Knave and perfect Fool: of unsparing despotic views—on overstrained taxation subsisting;

Equal to Old Bags as touching grave Trickery: and inferior to the Doctor as touching his Mummery.

Who although he be Knave and Fool, yet he is not two, but one Minister;

One; not by a conversion of the Charlatan into the Minister; but by shooting a more showy juggler, who wanted, and still wants, to be a Minister.

One altogether; squandering in profusion our substance: by votes of corrupt Majorities.

For as by power of Dupery, and our Money, he makes whom he will his own: so by Intrigue and Cajolery, he is Minister:—

Who, to talk for our Salvation, descended to kiss the Nethermost End of Tally-high-ho; and rose again as a giant refreshed;

He ascended into a higher place, he sitteth at the right hand of the Chair; from whence he shall hear how those who being starved,—'by the Visitation of God,'—became Dead.

At whose nodding all Sinecurists shall rise again, and again; and with their voices cry Aye! Aye! and the Laureate, in token of joy, shall mournfully chaunt the most doleful Lay in his Works.

And they that have said Aye! Aye! shall go into place everlasting; and they that have said No! shall go into everlasting Minorities.

And COLERIDGE shall have a Jew's Harp, and a Rabbinical Talmud, and a Roman Missal: and WORDSWORTH shall have a Psalter, and a Primer, and a Reading Easy: and unto SOUTHEY'S Sack-but shall be duly added: and with Harp, Sack-but, and Psaltery, they shall make merry, and discover themselves before Derry Down Triangle, and HUM his most gracious Master, whose Kingdom shall have no end.

This is the Sinecurist's duty, from doing more than which, except he abstain faithfully, he cannot be a Sinecurist.

¶ Glory be to Old Bags, and to Derry Down Triangle, and to the Doctor.

As it was in the Beginning is now and ever shall be, if such *things* be, without end. *Amen.*

[*Here endeth the Creed or Belief.*]

During the Attorney-General's opening, and whilst the Creed and the alleged libel were being read, Mr. Hone was occasionally occupied in making notes, but he seemed weak, and not collected in his mind. He was engaged in writing when Mr. Law concluded the reading of the Sinecurists' Creed.

Mr. HONE rose and stated, that he was not quite prepared; he craved the indulgence of the Court for a short time, whilst he arranged the few thoughts he had been committing to paper; his mind had not been quite cool; he should be ready in five minutes, at farthest; he would certainly not detain the Court longer than that.

Lord ELLENBOROUGH—The Attorney-General warned you, and admonished you, in the situation you were placed as to health. I offered you the indulgence of postponing the trial, but we really cannot have delay interposed from time to time in the course of the trial. If you shall wish even now to have it postponed, I venture to predict that you will be suffered to request a delay of the trial; but it must be a request, and unless you make it, the trial must go on. Do you make such request?

Mr. HONE (in a determined tone, and with an expression of countenance which did not indicate much respect for his lordship personally)—No! I make no such request! (His powers seemed renovated by the refusal of the Court to give him time, and pausing a few seconds, he said) My lord and gentlemen of the jury—(turning from the jury to Lord Ellenborough, he exclaimed with earnest vehemence), my lord, I am very glad to see your lordship here to-day; (with increased vehemence) I say, my lord, I am very glad to see your lordship here to-day, because I feel I sustained an injury from your lordship yesterday—an injury which I did not expect to sustain. I do not know how very well to measure my words, and yet I know I should do so in anything I have to remark upon your lordship's conduct; but if the proceedings of a solemn trial, like that of yesterday, and this to-day are to be interrupted—and I say that, because I think the charge your lordship gave——

Lord ELLENBOROUGH—I cannot hear any observations in that

way now, on what passed yesterday. You may make common and ordinary observations, but I cannot sit here to be attacked.

Mr. HONE—(pausing, and looking significantly at Lord Ellenborough) I will not attack your lordship.

Mr. HONE—Gentlemen of the jury, I will not say what his lordship did on the trial last night; but if his lordship should think proper, on this trial to day, to deliver his opinion, I hope that opinion will be coolly and dispassionately expressed by his lordship. I say, if his lordship should think proper to give an opinion, because notwithstanding what has been stated, his lordship is not bound to give an opinion; I repeat, gentlemen (most vehemently), by Mr. Fox's Libel Bill, the judge is not bound to give an opinion: the Act does not make it imperative, but leaves it discretionary with the judge whether he shall give his opinion or not. It is true, there may be Acts of Parliament or difficulties of law, the explanation of which requires the opinion and the intervention of the judge; but such is not the case upon the occasion to which I allude. I will not relate what passed upon my last trial, but I will suppose the case of a defendant asking the opinion of the court for information, and answered in a manner calculated rather to cause confusion in his mind than to clear up the difficulty: and I will ask, whether such ought to be the conduct of a person presiding in a court of justice? An Act of Parliament should be so clear, that he who runs may read; and that is, that he who reads it may understand its meaning, without the intervention of a judge; and I take this Act to be so. But, nevertheless, if legal opinion be desired, there is the exposition of the Vinerian Professor of Law upon it, Mr. Christian—no mean authority; for this gentleman is distinguished for his learning and legal knowledge, and is himself a judge, being Chief Justice of Ely. That learned person, observing on Mr. Fox's Libel Bill, in his notes on Blackstone's Commentaries (B. 4. p. 151, Ed. 1795) says, "That Statute provides that the judge may give his opinion to the jury respecting the matter in issue," not shall——

Lord ELLENBOROUGH—You are mis-stating the statute.

Mr. HONE (LOUD)—I beg your lordship's pardon (vehemently),

you are interrupting me, my lord. I was not quoting the statute; I was reading, as the gentlemen of the jury know, to whom I am addressing myself, the Exposition of Professor Christian upon the words of——

Lord ELLENBOROUGH—The words in the statute are "shall or may give his opinion."

Mr. HONE—I shall read the statute presently.

Lord ELLENBOROUGH—Well, go on.

Mr. HONE (earnestly and slowly)—My lord, I think it necessary to make a stand here. I cannot say what your lordship may consider to be necessary interruption, but your lordship interrupted me a great many times yesterday, and then said you would interrupt me no more, and yet your lordship did interrupt me afterwards ten times as much as you had done before you said you would interrupt me no more. I feel it proper to make this observation upon this interruption. Gentlemen, it is you who are trying me to day. His lordship is no judge of me. You are my judges, and you only are my judges. His lordship sits there to receive your verdict. He does not even sit there to regulate the trial—for the law has already regulated it. He sits there only as the administrator of that law—to take care that nothing in the regulation of the law prejudice the prosecutor or the defendant. I hope that unless I transgress the law I shall not be again interrupted to day—but if I do, I crave interruption, for it will be necessary. I hope for that necessary interruption, but then it must be necessary interruption. If I transgress the law, I shall do it unwittingly. I trust that I shall not be allowed to do it, and then like a poor fly in the web of a spider, be pounced upon and crushed!

Mr. HONE, resuming his argument, contended that by Mr. Fox's bill the judge was not bound to give any opinion on the question, whether the thing under consideration was libel or not, but that it was left discretionary for him to do so or not, as he thought proper. His lordship seemed to think otherwise, and that it was a part of his duty to give that opinion. His lordship would, therefore, no doubt, pursue that course to-day—he would

not say what his lordship did yesterday, but he trusted his lordship to-day would give his opinion coolly and dispassionately, without using either expression or gesture which could be construed as conveying an entreaty to the jury to think as he did. He hoped the jury would not be beseeched into a verdict of guilty. He was now brought to answer to a third accusation for a similar alleged offence, by his Majesty's Attorney-General; and he came into Court wholly unprepared, unless from such preparation as he might have collected from the probation of his two former trials. The Attorney-General had behaved towards him most courteously, so far as he was concerned. He had experienced this both on his trial and previous to it. He had no charge to bring against that gentleman. He did not know how far the Attorney-General acted in this business from his own private judgment, or in what degree he was subject to ministers. He was unacquainted with the relation in which he stood; but had he received any intimation from ministers to that effect, he believed he would not thus have proceeded to bring him into Court a third time; he should not have been once more dragged from his bed to appear before a jury. Before coming into Court, he was so ill that he thought he should not have been able to proceed. He had taken no refreshment since yesterday, except one glass of wine, and was so feeble last night, that he could not get into bed without help. He was apprehensive that notwithstanding he had received medical aid, he should not have been able to stand up in Court: but had he not been able to walk, he should have ordered himself to be brought in his bed, and laid upon the table, for the purpose of making that defence, even in a state of feebleness, which he unexpectedly found himself now able to enter upon with more strength than he had hoped to possess: indeed, his powers were restored in an extraordinary measure. He should, even under the most helpless debility, have defended himself against the charge of circulating a publication which was called a libel, but which he knew, and should prove, to be no such thing. He should regret much, if in the course of his trial any such expression of feeling should be manifested as occurred yesterday. They who were present

ought to command themselves, and remember that he was on a trial of life or death. Such was truly the case; for, if found guilty, he knew he should receive sentence for such a term of imprisonment as to deprive him of health, and eventually of life. Those who interrupted yesterday did what was wrong, but it was not the only wrong to be complained of. He had that morning complained to the sheriff then sitting by his lordship (DESANGES) that two of his witnesses were refused admission into Court on the trial yesterday, though they produced their subpœnaes at the door. That little indulgence might have been granted to those who lived in his service, and entertained some friendship for him, merely because he had not used them ill. It was attempted to turn the laugh which had been excited yesterday in Court to his disadvantage. It was attributed by the Attorney-General to an irreligious feeling occasioned by the parodies which he had published. This he could not consider very fair; it had a tendency to make the jury believe that this laugh was one of the irreligious effects arising from the productions he had published; whereas, it was the effect of the ridiculous allusions to his Majesty's ridiculous Ministers, without the least reference or thought for an instant respecting the Athanasian Creed. The parody for which he was at present upon trial, had been reserved, he believed, for no other reason but because it was the weakest of the three. The Attorney-General, no doubt, had selected the parody on the catechism as the first object of accusation, for no other reason but because he looked upon it as the strongest case; that on the Litany was the next; the last was beyond comparison the weakest. It was an old saying, that experience made fools wise. Experience, however, never made fools wise. It made men of understanding wiser, but not fools. If there was any truth in the proverb, he should not then have been a third time in Court, after being twice acquitted upon similar charges. He did not impute folly to the Attorney-General. On his part, the proceedings arose perhaps from an error in judgment; but there were others who, after the experience of the last two days, were so foolish as to allow him to be brought a third time to trial, though the chance of being found guilty was

reduced even to less than the proportion of 1 to 999. The Attorney-General, neither upon this, nor upon the former trials, has quoted much by way of authority to enforce his opinion. All the authority was upon his (Mr. Hone's) side. It was contained in the books that lay upon the table. He had selected many passages from them which he should have occasion to read once more. They all proved that parodies upon the Scripture had been in frequent use even among pious and enlightened men. The opinion of Sir Matthew Hale had been mentioned and quoted as the highest authority upon the subject of religion as connected with the state. He was, no doubt, an honest, wise, upright, and pious judge. He could not say he was in error in the particular opinion alluded to on a former trial, but he was not infallible, and might have been deceived as well as others. That pious and upright judge actually condemned to death some persons for being witches. He might have been a great man, but this was a proof that he was weak at least in one respect. With respect to the authorities he had quoted upon the subject of parody, there was a great difference of opinion between him and the Attorney-General. He should, however, quote them again, and should tell the jury that Martin Luther was a parodist as well as William Hone. In the title page of Wilkes's Catechism, he had stated that it was never before published; he afterwards, however, discovered that it had been printed and published before. This information he had from a gentleman of the bar, Mr. Adolphus, who came into his shop to purchase the Catechism, and seeing it mentioned on the title-page that it had never before been published, informed him that it was printed and published in the 1st volume of the *Morning Chronicle*, remarking at the same time, that the title-page was an imposition. Such was the fact. Was Mr. Adolphus in court? he believed that gentleman would have no hesitation in admitting it. Truth was always his leading principle, as it should be that of every other man. He defied any person with whom he had the least dealing, to bring a charge of falsehood against him. With respect to the parody on Wilkes's Catechism, he wrote it himself upon a manuscript which had been put into

his hands by a gentleman, who told him, at the same time, that it was never before published. That gentleman belonged to the profession of the law. He was a regular attendant upon church, and his lordship heard of him every term he sat. Whatever might be the consequence to himself, no consideration could induce him to disclose the name of the person who furnished him with the manuscript of Wilkes's Catechism, although that person had not once called upon him, or in any other way noticed him since this prosecution. He was persuaded though, that if he conceived it to be a blasphemous publication, or to have the evil tendency attached to it upon the trial, the gentleman to whom he alluded would have been the last man to put such a production in a train for circulation. The Attorney-General, in his reply on the former day, seemed to think that the Litany was not published before. The truth, however, was, that three weeks previous to his publishing it, it had been circulated widely in very populous districts. It was sent to him, not by the author, whom he did not know at the time, but by another person, whose name had been heard by every man in England. The author had called on him before the prosecution, and avowed it to be his; but it would have been courteous in that person to visit him in prison, or at least to have sent him a line, were it only with a view of consoling him in his trouble. It was true he (Mr. Hone) made some alterations in it. He introduced some additional supplications, the "Glory be to George;" and the Collect for Ministers; "Enlighten our Darkness," &c. This last prayer, however, had no effect on ministers; for otherwise, after being acquitted twice before, they would have been enlightened to the folly of putting him a third time upon trial. He did not pretend to be well acquainted with the law of libel; but he was far from thinking that all truth was a libel, though there were many things true that should not be told or written. Were he, for instance, to give a scandalous history of all he knew, or could learn, of a certain great personage, from his birth to the present day, however true it might be, no person could say that the publication of it would not be equally scandalous. Such a publication differed very much from what

might accidentally or carelessly occur in conversation, or slip from a person's pen while writing. The doctrine of libel was quite undefined; but he had no doubt that the day would come when nothing would be considered libel until it was declared so by a jury.

Parodies, it was said by the Court and the Attorney-General, should not now be defended by the production of similar publications by other persons, and at former periods But why, he would ask, single him out, after he had been twice before acquitted by two juries, even after all the picking and packing of the Crown Office? Why send him now a third time before another jury, selected in the same way? With respect to parody, it was as ancient even as the time of Homer. The finest productions of genius were produced in ancient as well as modern times. They were parodied because they were generally known, and were in themselves original and beautiful, obtaining for that reason an extensive popularity. The thing was not done from motives of contempt—quite the contrary. If parodies on Scripture were criminal, they must have been so at all times, whoever might have been the author, and whoever might have then been Attorney-General. The informations against him were filed by the late Attorney-General. He was brought into Court on the 5th of May last, and that very day Sir William Garrow resigned his situation. He would not say the resignation arose from his being ashamed of his conduct, but it was remarkable that the informations filed by him upon that occasion were the last acts of his political life as Attorney-General. No information was filed against others who had written parodies. An information had not, and would not, he believed, be filed against Mr. Canning, for his parody on Job. The reason was, perhaps, that it was known that Mr. Canning could make a good defence, while he (Mr. Hone) was supposed unable to make one, was brought before a jury three times successively. He never before in his life spoke in the presence of more than ten persons. If Providence ever interfered to protect weak and defenceless men, that interference was most surely manifested in his case. It had interposed to protect a helpless

and defenceless man against the rage and malice of his enemies. He could attribute his defence to no other agent, for he was weak and incapable, and was at that moment a wonder unto himself. (Here a mixed murmur of applause and pity was heard from the crowd assembled.) As the law of libel stood at present, it was not possible to be understood. It was, in its present state, only calculated to entrap and deceive people into punishment, and reminded him of the conduct of one of those despots, who, in all countries, frequently get into the possession of power, and use it only for the purpose of punishment and oppression. The person to whom he alluded was the tyrant of Syracuse. It was his custom, when laws were promulgated, to have them written in very small letters, and placed so high that they could not be read; but who ever dared to transgress them were punished with all the severity of a despot, though the wretches who suffered the punishment could not possibly have known the law, for the pretended transgression of which they suffered. Such exactly was the law of libel. In fact, there was no such thing as law of libel; or, if there was, the law was written upon a cloud, which suddenly passed away, and was lost in vapour. Nothing was a libel until a jury pronounced it such. He was pointed at, and showed as one guilty of publishing the most blasphemous productions. When in the King's Bench, he was shunned as a pestilence, even by those who were, or pretended to be, formerly his friends—by those whom, as David said of Jonathan, his heart loved. His acquaintance, it was true, recommended him to counsel, but some objections were urged against all whom they pointed out to him. Some from motives of etiquette, could not attend upon him in prison. Others, though they might have talent, had not courage to undertake his defence. Without courage it would be useless to attempt it. The question he put, upon such recommendation of counsel being made, was, has he *courage?* Will he be able to stand up against my Lord Ellenborough? Will he withstand the brow-beating of my Lord Ellenborough? It was necessary that a person undertaking his defence should be a stranger to fear; for, if he persisted in saying anything when once his lordship had made an

objection, the consequence would be to lose what is called the ear of the Court.

The ATTORNEY-GENERAL—I cannot sit here quietly and hear such language directed to the Court. I submit, my lord, whether it be right?

Lord ELLENBOROUGH—Perhaps, Mr. Attorney, you might have interposed your objection sooner; but you have heard the sort of attack which was made upon me. I think the best course will be to let the *thing* blow over us!

Mr. HONE would, he said, entreat pardon, if anything painful to the gentlemen of the bar had fallen from him. Talent and courage, he perceived, were necessary to his defence. As to talent, he possessed, if any, but a very humble share; but mental fear was a thing to which he was, and ever had been, an utter stranger. He did not know what fear was; and while he conceived himself to have truth and justice on his side, no earthly consideration could deter him from expressing his opinion, and doing what he thought right, which he ever did, and ever should do, without thinking of consequences to himself. There was a circumstance which occurred previous to his coming into Court, that gave him great pain. It proceeded from Dr. Slop, the editor of one of those publications that were always ready to perform any dirty work which they deemed acceptable to men in power. It stated, that a person who had been *tried* and *convicted*, was to receive twelve months' imprisonment for publishing one of those parodies, for which he (Mr. Hone) had been twice acquitted, and would, he hoped, be acquitted again that day. This man applied to a solicitor, by whom he was recommended to let judgment go by default, as the best course which he could adopt.

The ATTORNEY-GENERAL—I am quite sure nobody on my part or by my desire, ever had any communication with the person alluded to, or ever advised him to either plead guilty or not guilty.

Mr. HONE observed, that all he meant to say was, that the man was not convicted, was not tried, but suffered judgment to go by default. There were, however, communications between this man and the solicitor who conducted the present prosecution; and yet

he received a sentence equal in extent to anything which might have been expected, even by a man who had been found guilty by a jury of his country; and, what was very extraordinary, on the very morning this person was brought up to receive his sentence, he (Mr. Hone) received the first notice of his trials. It was equally extraordinary that this person called on him three or four times previous to his going up to Court, to ask him for his advice, although antecedent to those occasions he had actually taken advice, and had determined upon the course he should pursue. Williams was what was described as a loyal man; that was to say, a sort of thick and thin man; who, if a person in authority were to say go, he goeth; come, and he cometh. (Murmurs of approbation.) He was in a corps of yeomanry, and he told him (Mr. Hone) that he had often printed for Government. His full conviction was, that if he (Hone) had been found guilty, the man would not long have remained in prison. He thought he had a strong right to complain of one or two gross and infamous falsehoods inserted in a paper which was published every morning at six o'clock, and which there had been time, therefore, for every one of the jury to have seen before he entered the box. At six o'clock every morning did the ghost of Dr. Slop (a name acquired by Dr. Stoddart, on account of the profane curses lavished by him upon Buonaparte, before he was dismissed from *The Times* Journal) walk forth in Crane Court, Fleet Street. By this *ghost* it had been stated (for what purpose, unless to prejudice him on his trial, could not be imagined) that Williams had been found guilty *by the verdict of a jury* for the same publication. This was as false as was another statement, that he was in the practice of selling obscenity, which he detested and despised as much as any man. Such falsehoods put forth at such a time, when he was standing up in that Court, in the hour of peril, to vindicate his innocence, could only have proceeded from one who was *a villain to the back-bone.* And such he would proclaim Dr. Slop to his face, whenever and wherever he should meet him.

Lord ELLENBOROUGH—Do not use such expressions. You say you have got through life free from private and acrimonious

bickering; do not say that now which may hereafter provoke it. I say this merely for your own preservation, and not with a view to interrupt you.

Mr. HONE assured his lordship that he sincerely acknowledged the propriety of his interference, though it was difficult for him to restrain his feelings. It was nevertheless true that he cherished no hatred against this individual; he was indeed an object of contempt, and not of hatred, and was regarded by him in no other light than as a lost, unfortunate, and abandoned man. He had come into Court with strong feelings of irritation, which he could not well restrain when he found that this man's statements went to impute to him the publication of sedition, blasphemy, and obscenity. He denied that he had ever suffered any obscene work in his shop; and if it could be proved that he had, he called upon the jury to find him guilty of blasphemy, in order that under that verdict he might receive the punishment due to obscenity; for, next to blasphemy, he considered obscenity the greatest offence which a man could commit. He had, however, no hatred for such a man; and although Dr. Slop had attempted to do him this injury in the moment of peril, if the miserable man were in distress to-morrow, and it was in his power to relieve him, he would not hesitate to hold him out a helping hand. This feeling had been cherished in his breast ever since he knew right from wrong. (Murmurs of Applause.) He wished he could have had it in his power to say that his trial had not come on that day, merely for the sake of being able to say something in favour of his persecutors. Some of those grave personages went to the Chapel Royal with their Prayer-books on the Sabbath-day. It was to be lamented that they lost sight of those principles of Christianity which he hoped they were in that place accustomed to hear. He by no means wished that justice should not be done; for to neglect to do justice would be injustice; but he thought, in the present case, they might have borrowed a little of the character, the precept, and the example, of one whose name he could not mention without reverence and humility—he meant Jesus Christ. He would not be so irreverend as to read any passage to illustrate the character

of that Divine Being; but he well recollected that when Jesus was on earth, he continually exhorted his followers to the exercise of mercy, charity, love, and goodwill. This was exemplified in many instances, but in one more finely than in all the rest. He had heard various sermons on this subject, but none of them produced an impression equal to that which he experienced on reading the relation to which he referred when alone and in his room. That to which he alluded was the story of the woman taken in adultery. The Pharisees went to Christ in the temple, and brought to him a woman whom they had taken in adultery, a crime the greatest that it was possible for a wife to be guilty of. She did not deny her guilt, but Christ, turning to the Pharisees, said, "He that is without sin let him cast the first stone;" her guilty accusers withdrew in silence, leaving the woman alone with Jesus, who desired her to "Go, and sin no more." If there were nothing but this to excite veneration in the human mind for that Divine Being, it was sufficient; and he had only to lament that such an admirable example had not been followed by those who had brought him there that day. By the Jewish laws, the woman who had committed adultery was liable to be stoned to death, and yet none of her accusers could say they themselves were without sins. Were his prosecutors without sins, he would ask? Were they not open to impeachment? He would impeach them! These Pharisees were guilty of the same crime for which they were now seeking to punish him! The miserable hypocrites! The wretches! (Murmurs from the Crowd.) That was a strong, a very strong phrase; he did not mean to apply it to any person in particular; all he meant to urge was that his accusers had themselves done what they ought not to have done, and ought therefore to look with the greater lenity towards him. He had now to ask the jury, for it was too late to ask his accusers, to follow the precept of our Saviour in another part of the Testament, viz.—"to do unto others as you wish others to do unto you." He felt much better to-day than yesterday. He was animated by the consciousness of having done no wrong. For any wrong he might have unwittingly done he was exceedingly sorry. He was ex-

ceedingly sorry if anything he had written or published had a bad tendency. His lordship had misconceived the cause of stopping the sale of his publications. He had not stopped it because he thought the publication wrong, but because persons whom he respected had been hurt by them. He esteemed the hearts, though he could not respect the judgment, of those persons. He would hurt no man's mind. Sorry, sorry, sorry, was he, that the prosecution was not stopped. Although his prosecutors had thought of bringing him to trial at all and had actually put him on his trial; although they had done so a second day, after a jury of honest Englishmen had acquitted him; yet he should have been happy, for their own sake, that his prosecutors had made some atonement by a twelfth hour repentance. See the odds against me, he exclaimed, in a fervid tone; it is one farthing against a million of gold. My prosecutors have laid a wager with public opinion; but they will lose it to their irretrievable shame. "Skin for skin (he exclaimed, vehemently), all that a man has will he give for his life!" I am here on trial for my life. If you, the jury do not protect me, my life must fall a sacrifice to the confinement that shall follow a verdict of guilty. My prosecutors, my persecutors, are unrelenting. I feel now as vigorous as when I was in the middle of my defence on Thursday last; and I talk to you as familiarly as if you were sitting with me in my own room; but then, gentlemen of the jury, I have not seats for you; I have not twelve chairs in my house; but I have the pride of being independent. None is supposed to be independent without property. I have never had any property. Within the last twelve months my children had not beds, At this moment there is not furniture sufficient for the necessary enjoyment of life. For the last two years and a half I have not had a complete hour of happiness, because my family have been in such misery that it was impossible for a man of my temperament to know anything of happiness. I have been asked, why I have not employed counsel? I could not fee counsel. I have been asked, when I should publish my trial? I could not pay a reporter; and at this moment I have no reporter in Court. Gentlemen, you do not see me in that dress which my

respect for you, and for myself, would make me anxious to appear in. I did resolve to get a suit of clothes for these trials, but the money I had provided for that purpose I was obliged to give for copies of the informations against me. These things I mention to show you what difficulties I had to encounter in order to appear to possess independence of mind, and to let men know how cautious they should be in judging of men. Seven or eight years ago I went into business with a friend in the Strand. I had then a wife and four children, and I was separated from them by evils accumulated from endeavouring to help those who could not help themselves. I attempted, in conjunction with the friend, who originated the plan, to establish something of an institution similar to the saving-banks that are now so general. There was a number associated for this purpose, and I was their secretary. Our object was to get the patronage of Ministers for our scheme. Mr. Fox was then in power. It was the Whig Administration. We hoped to throw a grain into the earth which might become a great tree—in other hands it has succeeded. It was very Quixotic—we were mad; mad because we supposed it possible, if an intention were good, that it would therefore be carried into effect. We were not immediately discouraged, but we met with that trifling and delaying of hope which makes the heart sick.

[Here a person fainted among the crowd, and was carried out. The Court and jury took the opportunity to take some refreshment. Mr. Hone withdrew, for a few minutes, from the Court, threw of his coat, washed his arms and face with cold water, and rinsed his mouth; and when the Court was ready resumed.]

I find I was entering into too much detail. I meant simply to state that I lost every thing, even the furniture of my house. With that friend I got again into business. We became bankrupts, owing to the terms on which we commenced it. But, on the meeting of our creditors, the first question was, 'Where is your certificate?' All signed it at once, save one, who was unintentionally the cause of my failure, two years and a half ago, when I went into prison for debt, and was discharged by the insolvent act. Having then got some books to sell, being always fond of old

books, I took a shop in Fleet Street, at the corner of Lombard Street. It was three feet wide in front. I had no place there for my wife and my seven children. The shop was in consequence broken open three times, and all that was worth anything in it taken away. I was now in desperation, thrown on a wide ocean without a shore, and without a plank of safety. I then accidentally wrote something which happened to sell. By this success I got a place for my family, which was scarcely a dwelling for human beings. From my anxiety for my family, and the harassed state of my mind, I was attacked with apoplexy, and my family were thrown into the utmost alarm. I was obliged to remove to save my life. I then took a place in the Old Bailey. I could furnish only one room. I would not let lodgings, because I would not expose my state of destitution. Just as I was getting my head a little above water, this storm assailed me, and plunged me deeper than ever. I am as destitute as any man in London. I have not one friend in the world. It has been said that I am *backed*. No! friends are got by social intercourse; and the expense of social intercourse I have never been able to afford. I have as true a relish for the comforts, as well as the elegancies of life, as most men in much higher ranks; but I have ever been independent in mind, and hence I am a destitute man. I have never written or printed what I did not think right and true; and in my most humble station have always acted for the public good, according to my conception, without regard to what other men did, however exalted their rank.

The defendant now apologised to his lordship, the Attorney-General, and the bar, if he had offended them by anything he had said; and entered upon what was immediately connected with his defence. Informations by the Attorney-General had been defended, he said, as always known in the practice of the law. He denied this. To hold to bail for libel was illegal; and in support of that proposition he quoted a passage from a letter written by Mr. Dunning, afterwards Lord Ashburton, in the following words:— "I never heard, till very lately, that Attorney-Generals, upon the caption of a man, supposed a libeller, could insist upon his giving

securities for his good behaviour. It is a doctrine injurious to the freedom of every subject, derogatory from the old constitution, and a violent attack, if not an absolute breach, of the liberty of the press. *It is not law, and I will not submit to it.*"—(Mr. Dunning's Letter concerning Libels, Warrants, &c. p. 31.) He next referred to the information filed against him, and from which he quoted, and submitted that the only question the jury had to try was, as to his *intention* when the publication in question issued from his hand. That his intention was such as was imputed to him he utterly denied. Nothing was further from his ideas than to excite irreligion and impiety in the minds of his Majesty's subjects. The jury were his judges. They were to decide both upon the law and the fact; and by their decision his fate would be decided. He stopped the publication, not, as he was a living man, because he thought it criminal, but he gave way to the wishes of persons not to be argued with.

He would now prove this parody to be no libel. It was possible to parody the most sacred work, without bringing the work itself into ridicule and contempt. The parody might be used as the vehicle of inculcating, by the peculiar language of the thing parodied, an impression of a different tendency. Parody was a ready engine to produce a certain impression on the mind, without at all ridiculing the sentiments contained in the original work. Such was the object of Martin Luther's parody on the first Psalm; and such also was the object of Dr. Letsom's Thermometer of Health, and a number of works applying religious phraseology to give a more solemn impression to the moral or the sentiments inculcated. In illustration of this position, he proceeded to submit to the jury the same works of which he availed himself on the preceding trials; amongst which were Dr. Boys', the Dean of Canterbury's parody on the Lord's Prayer. There was no doubt that Dr. Boys had written his parody unadvisedly, but certainly without a bad intention. Such was his (the defendant's) parody on St. Athanasius's Creed. It was not written for a religious, but for a political purpose—to produce a laugh against the Ministers. He avowed that such was his object; nay, to laugh his Majesty's

Ministers to scorn; he had laughed at them, and, ha! ha! ha! he laughed at them now, and he would laugh at them, as long as they were laughing stocks! Were there any poor witless men less ridiculous than these Ministers, his persecutors; one of whom was himself a parodist, sitting now in the Cabinet, winking at, instigating, aiding and abetting, this prosecution. George Canning was a parodist, with William Hone and Martin Luther. (Applause.) George Canning come into Court. George Canning come into Court! make way for him if you please. No, gentlemen of the jury, you will not see Mr. Canning here to-day; but had I him now in the box, I would twist him inside out. Mr. Canning had parodied the Scriptures, but he (Mr. Hone), had only parodied the Common Prayer. He next adverted to the caricature called "The Mantle of Elijah." And who was the Elijah personified?—why, Mr. Pitt! And who was the mantle-catcher?—why, this same George Canning, who was now one of his persecutors. Before he had spoken of this Right Honourable with forbearance; but now he must speak with contempt of the man who could act thus towards the poor miserable, and supposed to be defenceless, bookseller of the little shop in Fleet Street. This very caricature was published under the auspicies of Mr. Canning; certainly, at least, with his entire knowledge. Mr. Canning ought to have been a willing witness for him on the present occasion; he ought to come into the witness box, to confess his own sins, and plead the defendant's cause. It was hoped, he had no doubt, by certain very grave members of the Cabinet (my Lord Sidmouth and my Lord Liverpool), that William Hone could not stand the third day—that he would sink under his fatigues and want of physical power. "He can't stand the third trial," said these humane and Christian Ministers; "we shall have him now; he must be crushed." (Great shouts of applause.) Oh, no! no! he must not be crushed; you cannot crush him. I have a spark of liberty in my mind, that will glow and burn brighter, and blaze more fiercely, as my mortal remains are passing to decay. There is nothing can crush me, but my own sense of doing wrong; the moment I feel it, I fall down in self-abasement before my accusers: but when I have done no

wrong, when I know I am right, I am as an armed man; and in this spirit I wage battle with the Attorney-General, taking a tilt with him here on the floor of this Court. The consciousness of my innocence gives me life, spirits, and strength, to go through this third ordeal of persecution and oppression. He should order a frame for Elijah's Mantle in his way home to his family, and he should place it over his mantle-piece, for his children to laugh at. He said he should do this to-night, because he had no doubt that the jury would acquit him without retiring from the box. (Great applause.) He next adverted to Lord Somers's tracts, and called in aid the parody of the Genealogy of Christ, and accompanied it with a powerful appeal to the jury, upon the iniquity of this last effort to overwhelm him—to send him to Gloucester goal, to rot and perish under the weight of his afflictions. The Harleian Miscellany contained a parody on the Lord's Prayer.

The ATTORNEY-GENERAL objected to its being read, as too indecent for the ears of any persons in these times.

Mr. HONE said, in courtesy to the Attorney-General, he would not persist in reading this work. He then went over the same ground which he had pursued yesterday, bringing under the attention of the jury a great variety of different parodies, written by churchmen and many other persons, considered in their times as most religious and venerable men. One of which he had not before read, was by the Rev. Mr. Toplady, a very popular preacher, of great talent, amongst the Calvinists, who died greatly lamented, at a very early age. Mr. Toplady's object was to ridicule Lord Chesterfield's Letters,* and the morals therein inculcated. It was entitled—

"CHRISTIANITY REVERSED, &c.; *or*, LORD CHESTERFIELD'S *New Creed.*

"I believe, that this world is the object of my hopes and morals; and that the little prettinesses of life will answer all the ends of human existence.

"I believe that we are to succeed in all things, by the graces of civility and attention; that there is no sin, but against good manners; and that all religion and virtue consist in outward appearance.

* Can be had of the Publishers of this work, in 2 vols., edited by Charles Stokes Carey.

"I believe that all women are children, and all men fools; except a few cunning people, who see through the rest, and make their use of them.

"I believe that hypocrisy, fornication, and adultery, are within the lines of morality; that a woman may be honourable when she has lost her honour, and virtuous when she has lost her virtue.

"This, and whatever else is necessary to obtain my own ends, and bring me into repute, I resolve to follow; and to avoid all moral offences, such as scratching my head before company, spitting upon the floor, and omitting to pick up a lady's fan. And in this persuasion I will persevere, without any regard to the resurrection of the body, or the life everlasting. *Amen.*

"Q. Wilt thou be initiated into these principles?

"A. That is my inclination.

"Q. Wilt thou keep up to the rules of the *Chesterfield* morality?

"A. I will, Lord Chesterfield being my admonisher.

"*Then the Officiator shall say,*

"Name this child.

"A. A FINE GENTLEMAN.

"*Then he shall say,*

"I introduce thee to the world, the flesh, and the devil, that thou mayest triumph over all awkwardness, and grow up in all politeness; that thou mayest be acceptable to the ladies, celebrated for refined breeding, able to speak French and read Italian, invested with some public supernumerary character in a foreign court, get into Parliament (perhaps into the Privy Council), and that, when thou art dead, the letters written to thy bastards may be published, in seven editions, for the instruction of all sober families.

"Ye are to take care that this child, when he is of a proper age, be brought to C—t, to be *confirmed.*"

Of the other works to which he particularly alluded, was Mr. Reeves's penny publication entitled the "British Freeholder's Political Catechism." That gentleman had himself been prosecuted; not, however, for his catechism, but for having depicted the British Constitution as a tree, the branches of which might be lopped off, and yet the trunk remain. For this libel he was prosecuted under the direction of the House of Commons, although it was carried on very unwillingly. Mr. Reeves published his

parody on the catechism no doubt with the best intentions, because he used the parody as a popular mode of inculcating what that gentleman considered wholesome truth. Such was the object of the parody now prosecuted. But what was the difference between his situation and Mr. Reeves's? Mr. Reeves was basking under the sunshine of a court, and was a placeman. If he (Mr. H.) was convicted, there was no doubt that he also would become a government placeman: but where?—in Gloucester gaol! To the jury, however, he looked for his rescue from this bigoted persecution. He was charged with parodying the language and style of sacred works. But what was that style and language?—it happened to be translated nearly three centuries ago, but the language of that time was not, on that account, peculiarly sacred. There was no doubt that if the Bible was re-translated, it must be so altered as hardly to be known, except by its sense. If a parody on the style only was the offence, even Mr. Canning himself, as a literary man, as a man of taste, and a man of words, would acquit him. But whatever might be the motive of this prosecution, there could hardly be any doubt that it was an unchristian feeling on the part of my Lord Sidmouth, to suffer him to stand here for the third time to take his trial for an offence which two juries of independent Englishmen had pronounced not to be libels. He would not say that Lord Sidmouth was a bigot; but he must say that the spirit of persecution and unchristian feeling marked this abominable attempt to sacrifice, by all or any means, a defenceless and innocent man, for party purposes. Lord Sidmouth himself knew, and every man in the country, even the most bigoted must know, that this parody was not written for irreligious purposes. The fact was, the hopeful Ministers of the Cabinet wanted to make him a scape-goat for their political sins; those which were his own particular sins he should glory in, so long as he lived, because he knew that his objects were truly constitutional, and aimed at the happiness of his country. The jury must see that the parodies which he read were not calculated to injure religion. Most of them had political or moral objects. Of the former description was the parody in the *Oracle* newspaper, and the parody on the

Te Deum, adapted in five languages, to the combined royal armies, lately employed against Buonaparte; and of the latter was the religious play-bill, which he had read on the other trials, which was printed by one of the Society of Friends. Such also was the parody on the recruiting bill, the object of which was to draw the attention of the idle and dissolute to spiritual concerns. Of the like description were the hymn tunes played at Rowland Hill's Chapel, although they were the popular and national airs performed at theatres and other places of amusement. Dr. John Rippon, an eminent and most respectable teacher of religion amongst the Baptists, had adapted such tunes to the most pious strains of psalmody. For instance, such tunes as "Drink to me only with thine eyes," "Rule Britannia," "God save the King," &c. The hymns of Dr. Collyer, Lady Huntingdon, Dr. Watts, and others, were adapted to operatic and military airs, &c. These tunes, no man could doubt, were used as vehicles for religious worship, and exciting moral feelings. His parody was adapted exclusively to a similar subject, and was not meant, directly or indirectly, to affect the sacredness of religious worship. Profaneness and irreligion must be the same at all times, and in all places; and if the most venerable and sacred pillars of religion had resorted to this mode of inculcating religious sentiments, the offence must have been as culpable in their times, if it was an offence, as in the present. Bishop Latimer, who had burned at the stake, a martyr for religion, had spiritualised a pack of cards, as John Bunyan had the fig-tree, for the most moral purposes. He blamed the Attorney-General for the cruelty of cutting one crime into piecemeal; for all these three informations might have been included in one. An hundred libels might have been embraced in one information. But no; the object was to embarrass and entrap him. One chance of catching him was not sufficient for the vindictive spirit of his Majesty's Ministers. They were determined to have him at all events; and therefore three hooks were baited; but he hoped the jury would save him from the third. All these snares were laid for his ruin, by a ministry remarkable alike for bigotry of spirit and hostility to freedom. They were laid by that

ministry, who not long since endeavoured to interfere with those principles of religious toleration which were held sacred by all good and rational men, by introducing a bill into Parliament for restraining the right of preaching among the Dissenters. Yes, that odious bill, which was scouted out of Parliament, through the firm and manly appeals of the Dissenters themselves, originated with Lord Sidmouth, by whom he had been most unjustly held out to the country as a blasphemer, although now persecuted by that minister only for a profane parody. This minister endeavoured in Parliament to stigmatise him for an offence which could not be even alleged against him before a jury. This minister of the Crown took the advantage of abusing him in a place where he (Mr. Hone) could make him no answer, and this was a practice too common with his unmanly colleagues. But here he would answer that minister by affirming, that which he would challenge the Attorney-General to contradict, namely, that to impute to him the crime of blasphemy was a foul and unfounded slander. Such slanders, however, were not uncommon. Mr. Canning was quite in the habit of abusing men in the House of Commons, whom he would not venture to meet face to face; while he was in a rage if any the most indirect allusion was made in that house to any member of that confederacy of literary hirelings and political apostates, of which he had been so long the principal leader and active patron. Yes, any man who could write in that style, about which Canning was so peculiarly solicitous, that it seemed, in that gentleman's view, more material than thought, was secure of ministerial patronage, if the writer could only follow Mr. Canning in the desertion of principle and the sacrifice of real independence.

But to return to the subject under the consideration of the Court. He observed that parodies had been so numerous in this country, that no one could suppose them subject to any legal censure. He remembered a parody levelled at Lord Grenville, in the *Oracle* newspaper, when it was a ministerial print, as indeed, it had always been for several years before its death; for that paper was dead, notwithstanding the support it received from ministers; and having mentioned that support, he could not help stating the

manner in which it was usually afforded to newspapers. When the venal journalist could write what was deemed a good article in favour of the ministry, 500 or 600 of his journal were bought by the Treasury, and gratuitously circulated among their partisans through the country. Those purchases were made indeed as often as the journalist appeared to his patrons to deserve attention; and they were made, too, with the public money. Thus the money wrung in taxes from the pocket of the people was distributed among those prostituted writers who were employed in endeavouring to pervert their understanding. How much of this money was given to the *Oracle* for abusing every principle and advocate of liberty, he could not pretend to say, but its death was a pregnant proof of the integrity, power, and judgment of the people, among whom it could obtain no currency. For, after all, if a paper could not obtain circulation among the people, ministers must feel it of no use to them, and therefore withdraw their patronage from a hireling as soon as the people discard his productions; which they will always do as soon as they clearly understand his character—such had been the fate of many newspapers and other periodical publications in this country. Heriott's paper, the *True Briton*, met the fate of the *Oracle*, and for the same reasons. When Heriott was provided with a place, which he now held, Cobbett was offered the *True Briton*, but he refused it. The *True Briton*, too, under Mr. Heriott had its share of parodies, which were always of course pointed against the opposition.

He then addressed himself to the particular parody charged as a libel, and adduced a parody on the Athanasian Creed, from the Foundling Hospital for Wit, as follows:—

PROPER RULES AND INSTRUCTIONS, WITHOUT WHICH NO PERSON CAN BE AN EXCISEMAN.

Quicunque vult.

Whosoever would be an exciseman, before all things it is necessary that he learns the art of arithmetic.

Which art, unless he wholly understand, he, without doubt, can be no exciseman.

Now the art of arithmetic is this, we know how to multiply and how to divide. *Desunt pauca.*

The 1 is a figure, the 2 a figure, and the 3 a figure.

The 1 is a number, the 2 a number, and the 3 a number, and yet there are *Desunt plurima.*

For like as we are compelled by the Rules of Arithmetic, to acknowledge every figure by itself to have signification and form:

So we are forbidden, by the rules of right reason, to say, that each of them have three significations or three powers.

The 2 is of the 1's alone, not abstracted, nor depending, but produced.

The 3 is of the 1 and 2, not abstracted, nor depending, nor produced, but derived. So there is one figure of 1. *Desunt nonnulla.*

He therefore that will be an Exciseman, must thus understand his figures.

Furthermore, it is necessary to the preservation of his place, that he also believe rightly the authority of his Supervisor.

For his interest is, that he believes and confesses that his Supervisor, the servant of the Commissioners, is master and man: Master of the Excisemen, having power from the Commissioners to inspect his books; and man to the Commissioners, being obliged to return his accounts.

Perfect master and perfect man, of an unconscionable soul and frail flesh subsisting; equal to the Commissioners, as touching that respect which is shown him by the Excisemen, and inferior to the Commissioners as touching their profit and salary.

Who, although he be master and man, is not two, but one Supervisor.

One, not by confusion of place, but by virtue of his authority; for his seal and sign manual perfect his commission; his gauging the vessels, and inspecting the Excisemen's books, is what makes him Supervisor.

Who travels through thick and thin, and suffers most from heat or cold, to save us from the addition of taxes, or the deficiency in the funds, by corruption or inadvertency.

Who thrice in seven days goes his rounds, and once in six weeks meets the Collectors, who shall come to judge between the Exciseman and Victualler.

At whose coming all Excisemen shall bring in their accounts, and the Victuallers their money.

And they that have done well by prompt payment, shall be well treated.

And those that have done ill, by being tardy in their payment, shall

be cast into jail; and the Excisemen whose books are blotted, or accounts are unjustifiable, shall be turned out of their places.

These are the rules, which except a man follows, he cannot be an Exciseman.

Honour to the Commissioners, fatigue to the Supervisor, and bribery to the Exciseman.

As it was from the beginning, when taxes were first laid upon Malt, is now, and ever will be, till the debts of the nation are paid. Amen.

Mr. HONE then read a parody on the Athanasian Creed, from the "Wonderful Magazine," entitled—

THE MATRIMONIAL CREED.

Whoever will be married, before all things it is necessary that he hold the conjugal faith, which is this, That there were two rational beings created, both equal, and yet one superior to the other; and the inferior shall bear rule over the superior; which faith, except every one do keep whole and undefiled, without doubt he shall be scolded at everlastingly.

The man is superior to the woman, and the woman is inferior to the man; yet both are equal, and the woman shall govern the man.

The woman is commanded to obey the man, and the man ought to obey the woman.

And yet, they are not two obedients, but one obedient.

For there is one dominion nominal of the husband, and another dominion real of the wife.

And yet, there are not two dominions, but one dominion.

For like as we are compelled by the Christian verity to acknowledge that wives must submit themselves to their husbands, and be subject to them in all things:

So are we forbidden by the conjugal faith to say, that they should be at all influenced by their wills, or pay any regard to their commands.

The man was not created for the woman, but the woman for the man.

Yet the man shall be the slave of the woman, and the woman the tyrant of the man.

So that in all things, as is aforesaid, the subjection of the superior to the inferior is to be believed.

He, therefore, that will be married, must thus think of the woman and the man.

Furthermore, it is necessary to submissive matrimony, that he also believe rightly the infallibility of the wife.

For the right faith is, that we believe and confess, that the wife is fallible and infallible.

Perfectly fallible, and perfectly infallible; of an erring soul and unerring mind subsisting; fallible as touching her human nature, and infallible as touching her female sex.

Who, although she be fallible and infallible, yet she is not two, but one woman; who submitted to lawful marriage, to acquire unlawful dominion; and promised religiously to obey, that she might rule in injustice and folly.

This is the conjugal faith; which except a man believe faithfully, he cannot enter the comfortable state of matrimony.

There were others, but the next, and only one he should read, was from the "New Foundling Hospital for Wit:" it was written against the late Lord Chatham, as follows:—

A NEW POLITICAL CREED.

FOR THE YEAR MDCCLXVI.

Quicunque volt.

Whoever will be saved: before all things it is necessary that he should hold the Chatham faith.

Which faith, except every man keep whole and undefiled, without doubt he shall sink into oblivion.

And the Chatham faith is this: that we worship one Minister in Trinity, and the Trinity in Unity:

Neither confounding the persons, nor dividing the substance.

For the Privy Seal is a Minister, the Secretary is a Minister, and the Treasurer is a Minister.

Yet there are not three Ministers, but one Minister; for the Privy Seal, the Secretary, and the Treasurer are all one.

Such as the Privy Seal is, such is the Secretary, and such is the Treasurer.

The Privy Seal is self-create, the Secretary is self-create, and the Treasurer is self-create.

The Privy Seal is incomprehensible, the Secretary is incomprehensible, and the Treasurer is incomprehensible.

The Privy Seal is unresponsible, the Secretary is unresponsible, and the Treasurer is unresponsible.

And yet there are not three incomprehensibles, three self-created, or three unresponsibles: but one incomprehensible, one self-create, and one unresponsible.

For like as we are compelled by the Christian verity, to acknowledge every person by himself to be God and Lord ;

So are we forbidden by the articles of the Chatham alliance, to say there are three Ministers .

So that in all things, the Unity in Trinity, and Trinity in Unity, are to be worshipped ; and he who would be saved, must thus think of the Ministry.

Furthermore, it is necessary to elevation that he also believe rightly of the qualities of our Minister.

For the right faith is, that we believe and confess, that this son of man is something more than man ; as total perfection, though of an unreasonable soul, and gouty flesh consisting.

Who suffered for our salvation, descended into opposition, rose again the third time, and ascended into the House of Peers.

He sitteth on the right hand of the ———, from whence he shall come to judge the good and the bad.

And they that have done good, shall go into patent places, and they that have done bad, shall go into everlasting opposition.

This is the Chatham faith ; which except a man believe faithfully, he cannot be promoted.

As he was in the beginning, he is now, and ever will be.

Then all the people, standing up, shall say,

O blessed and glorious Trinity, three persons and one Minister, have mercy on us miserable subjects.

These parodies were known to almost every reading man, and yet none of them were ever prosecuted, nor was there an instance upon record of the prosecution of any parody. How then could he suppose the publication of the parody before the Court an illegal, a guilty act ? But he had no such feeling—he declared most solemnly that he had no intention to commit any offence in this publication, and the jury were to judge of intention. But to dissuade the jury from such a rule of judgment, a course of delusive observation was addressed to them. They were told truly, that they were to judge of a man's intention by his act, and not by his declaration. Granted: but upon what ground should he think his act an offence, or that sort of publication criminal, which had never been so pronounced ? There was no analogy between his

act and the commission of any crime defined and forbidden by the law, although such analogy had been urged on the other side. If he had committed any act denounced by the law, or deemed a crime by the common sense of mankind, he should not have presumed to speak of the purity of his intentions. No jury, indeed, could attend to declarations of innocent intention from any man committing an act of acknowledged criminality; but that was not the nature of the publication which he had uttered, and for which he was prosecuted. Therefore he could conscientiously say that he had no guilty intention in sending forth that publication, and he had no doubt that the jury would believe him, and would send him home to his family, in spite of all the expedients used in this extraordinary prosecution; for extraordinary it truly was, the Attorney-General having split into three indictments matter, which being of the same character, he might have comprehended in one. But were the matter even different, did it consist of two or three different subjects, he was assured by the most eminent barristers, that the Attorney-General could have included them in one information. Why then should so many informations be preferred against him, but for a purpose which he trusted the integrity and judgment of the jury would defeat? They would not, he was sure, be persuaded to think his publication a fit subject for punishment, after such parodies had been overlooked as he had just read to the Court.

Lord ELLENBOROUGH observed, that every one of the parodies the defendant had quoted, were as prosecutable as that with which he then stood charged.

Mr. HONE admitted this; but why, he asked, were they not prosecuted? Where were the Attorney-Generals of those days? Why did they abandon their duty? The Attorney-General might any day go into the Crown Office, and file an information against any man who wrote anything in opposition to the Government. A parody was never seized before. Why was his parody now attacked? Was it because Lord Sidmouth was the only good Secretary of State for the Home Department? He charged that noble secretary with having put all the people of England against

him as a blasphemer. There were persecutions of various kinds for blasphemy, and also for atheism. A man charged with atheism had been punished in Poland, in the beginning of last century, whom he believed to have been certainly as honest a man as the Secretary of State. One of the poor creature's hands was cut off with an axe by the executioner, and afterwards the other was chopped off; his two bleeding stumps were then thrust into boiling pitch, and the miserable man was burned alive, whilst—lifting his eyes and his mutilated arms to heaven—he cried, "Oh, God of Abraham! Oh, God of Judah! have mercy upon me! Oh, God of my fathers! have pity upon me." Who, O who (cried Mr. Hone, raising his voice to a tone of the utmost vehemence), who were the blasphemers? Who were the Atheists? Were they not the bloody-minded men who called themselves Christians, rather than the defenceless man whom they put to death in that horrible and cruel manner. (Great applause instantaneously burst from every part of Guildhall; and Lord Ellenborough declared he would adjourn the Court if greater order were not observed.) During the whole of Pitt's administration, there was not one prosecution for libel; and yet party feeling never ran higher, and cheap publications were never more numerous. In the volume that contained the parodies on the Westminster election, he could find 100 more of them as strong as his, yet for none of them was ever a prosecution instituted. He on all occasions made frequent use of the language of Scripture. That proceeded from his intimate acquaintance with it. He had ever delighted to read its beautiful narrations. He had long been employed in preparing a publication on the Bible, and he hoped yet to finish it, and to give it to the world, notwithstanding he had been called a blasphemer. In no age of the world was there before a prosecution for parody. He had seen a letter pretended to have been written by Jesus Christ, and found sixty-four years after his death, now in the possession of Lady Cuba in Mesopotamia. He believed the author was not a blasphemer, but that he ought to be put into a cook-shop, and to be fed on beef-steaks. This letter pretended, that a woman in labour, who had it, should be safely delivered. It gave

instructions as to the Sunday and Good Friday. All this was quite absurd; but he would on his knees entreat the Attorney-General not to prosecute the author. Indeed, he had seen such letters from a child; and a gentleman had one of them that was 150 years old. Parodies of all kinds used to be circulated in Westminster, and even to be paid for by the Treasury, before Westminster became independent. Mr. Canning, the right honourable parodist, had been a member of Lord Townsend's Committee, though a secret one, for he was then a trimmer; and from them issued many parodies. Why did not the Attorney-General prosecute Mr. Walter Scott* for the "Tales of my Landlord," a work which abounded with Scriptural phrases, set in the most absurd and ridiculous view? He would ask whether Sir Samuel Shepherd would prosecute this poetical placeman, or would he prosecute him (Mr. Hone) if he published a dozen pages from the work of Mr. Scott, while the original author was left untouched? Sure he was, that the Attorney-General would not prosecute Mr. Walter Scott for using Scriptural phrases upon similar subjects, notwithstanding all the solicitude which the learned gentleman professed, to hold the language of the Gospel sacred to religious purposes. But he would ask the Attorney-General which he thought worse, blasphemy or atheism? And did not the learned gentleman know that there were hundreds of atheistical works at present in circulation? Nay, did he not know that many eminent persons in this country openly professed atheism? And was no solicitude felt for the cause of religion, unless its language were employed to expose the character of ministers, or to subject them to ridicule?

It had been observed by the learned judge, in his charge to the jury yesterday, that he (Mr. H.) was not entitled to draw any argument in his defence from the parodies which had been heretofore published, because, as his lordship observed, "the publication of parodies upon the Scripture, or the use of scriptural language for jocular purposes, had never had any legal sanction." Now he held in his hand publications, in which such language appeared, under the direct authority of government.

* Born, 1771. Created a Baronet, 1820. Died, 1832.

Lord ELLENBOROUGH said that he did not recollect having used the words imputed to him by the defendant. He might have used some such words, but he did not remember the precise words that fell from him.

Mr. HONE declared that he quoted the words referred to with accuracy, and that he had no wish whatever to misrepresent his lordship. He was in the recollection of the short-hand writers in Court. But to the point. He was surely justified in concluding that his lordship's impression was rather erroneous; the Lord Chamberlain sanctioned, and a succession of Crown lawyers and judges having seen and enjoyed that which he was about to cite. Here Mr. Hone read the following passage from the "Hypocrite":*

Lady Lamb. O dear; you hurt my hand, sir.

Doctor Cantwell. Impute it to my zeal, and want of words for expression: precious soul! I would not harm you for the world; no, it would be the whole business of my life—

And again, *Lady Lamb* says, you are above the low momentary views of this world.

Dr. Cant. Why, I should be so; and yet, alas! I find this mortal clothing of my soul is made like other men's, of sensual flesh and blood, and has its frailties.

Lady Lamb. We all have those, but yours are well corrected by your divine and virtuous contemplations.

Dr. Cant. Alas! Madam, my heart is not of stone: I may resist, call all my prayers, my fastings, tears, and penance to my aid; but yet I am not an angel; I am still but a man; and virtue may strive, but nature will be uppermost. I love you, then, Madam.

It was well known that the person meant to be represented and ridiculed in the character of Dr. Cantwell, was that celebrated preacher, Mr. Whitfield; and the sentences he was made to utter, as Dr. Cantwell, were varied from his own journal. This distinguished man had, with John Wesley and others, done great good in promoting morality. If, indeed, those excellent persons had rendered no other service to humanity than that of civilising the Kingswood colliers, they were entitled to the praise of mankind.

* By Isaac Bickerstaff. Born, 1735. Died, 1787.

Yet Mr. Whitfield and his language were thus caricatured upon the stage, with the authority of one of the first officers of the Crown. But again Mr. Whitfield was still more ridiculed in Foote's* Farce of "The Minor," from which Mr. Hone read the following extracts:

Mrs. Cole. I am worn out, thrown by, and forgotten, like a tattered garment, as Mr. Squintum says. Oh, he is a dear man! But for him I had been a lost sheep; never known the comforts of the new birth! Ay, I have done with these idle vanities; my thoughts are fixed upon a better place. What, I suppose, Mr. Loader, you will be for your old friend the black-ey'd girl from Rosemary Lane. Ha, ha! Well, 'tis a merry little tit. A thousand pities she's such a reprobate!—But she'll mend; her time is not come: all shall have their call, as Mr. Squintum says, sooner or later; regeneration is not the work of a day. No, no, no.—Oh!—

Loader. Crop me, but this Squintum has turned her brains.

Sir Geo. Nay, Mr. Loader, I think the gentleman has wrought a most happy reformation.

Mrs. Cole. Oh, it was a wonderful work. There had I been tossing in a sea of sin, without rudder or compass. And had not the good gentleman piloted me into the harbour of grace, I must have struck against the rocks of reprobation, and have been quite swallowed up in the whirlpool of despair. He was the precious instrument of my spiritual sprinkling.

Dr. Squintum was the character in which Mr. Whitfield was again ridiculed, and Mother Cole was meant to represent an infamous woman of that day, whose name was Douglas. In the preface to this farce, the writer says, that "it must be useful, while there was a bawd in the street, an auctioneer in the rostrum, or a Methodist in the pulpit." All this was tolerated, and no one was heard to complain of any disposition in these dramatic writers to make use irreverently of scriptural language, although applied to the most ludicrous purpose. But it was not directed against

* Samuel Foote was designed for the law, but relinquished the study, and was driven by necessity to the stage. In 1747 he became manager of the Haymarket Theatre. He wrote, besides his various mimetic entertainments, twenty dramas. His style he seems to have borrowed from Molière, but his humour was original and peculiar. Born, 1721. Died, 1777.

Ministers, nor against the Established Church, and it seemed that in such cases alone was the use of scriptural language calculated to bring religion into contempt. To those, however, who dissented from the Church, or the Ministers, scriptural language could, it would seem, be applied with impunity. So it appeared from the parodies which he had quoted, as well as from the following passages in "The Weathercock," which was a farce not long since written :

Variella. Yea, verily, I saw a damsel, friend, clad in gaudy apparel.

Tristram Fickle. You say true ; very gaudy and fantastical, unlike the modest attire which thy fair form gives grace to.

Var. [aside]. So ! so !

Tris. Zounds ! What a most delectable creature she is ! I was always fond of the Quakers. There is something so neat about them. Such a charming modesty.—You did see that person then ?

Var. Yea, the sight of her flaunting attire did offend my eyes.

Tris. 'Tis a pity such a pair of eyes should be offended. Poor conceited little ape ! Why you look a thousand times better in that simple dress, than she did in all her frippery.

Var. I seek not to look well.

Tris. And therefore thou art a thousand times more lovely. For thy sake, fair maid, I will become a stiff Quaker. Wilt thou introduce me to thy con-ven-*ticle ?*

Var. Yea ; and it does rejoice me exceedingly, that the spirit doth move thee towards us—Hum.

Tris. Hum.

Var. And wilt thou listen to the good things which are said unto thee ? Wilt thou learn therefrom ? And wilt thou not sigh for the damsel in the colours of vanity ?

Old Fickle. What is here ? May I believe my eyes ?

Tris. If they tell thee that thou seest before thee one of the faithful, verily thou may'st believe what they say, for they speak unto thee that which is true.

O. F. And you are turned Quaker ?

Tris. Yea, a damsel hath wrought my conversion—yea, a fair damsel. Wilt thou give thy consent that I espouse her, and make her a thing of my own ? Verily I do expect the damsel to join with me in the request, that we two may be made one.

Here there was the use of scriptural language tolerated on the stage, for the very purpose of ridiculing a most amiable and respectable class of Dissenters, the *Quakers;* yet this Farce had the sanction of the Lord Chamberlain. But, with facts before them, how could the jury, whom he had the honour to address, or any body of respectable men, conclude that he, in publishing the parody under prosecution, could suppose he was committing a criminal or an illegal act? The parodies, however, which he had quoted, and in reading which he feared he had trespassed upon the attention of the jury, formed but a small part of those which he had it in his power to bring forward. He could, indeed, have covered the table with such compositions. How many could he have taken from Chalmers' Poets: and was it meant, if he should be convicted, to have an *index expurgatoris* applied to this, and the numerous other works in our language which contained parodies upon the Scriptures? He referred to the History of the Westminster Election, in which Lord J. Townshend was a candidate, for a number of parodies from both sides. Some of those parodies were probably from the pen of Mr. Canning, who had a notorious taste for such composition, and that gentleman was, in the contest alluded to, a member of the committee for conducting Lord John Townshend's election. But he was a secret member; for this gentleman was then ready to serve the Foxites, with whom he professed to concur, while he wished to conceal his operations from the Minister, whose patronage he was intriguing to obtain. Thus Mr. Canning played the same double game many years ago which he had lately performed towards his militant friend Lord Castlereagh. But how would the jury feel, as honourable men, towards a prosecution instituted against him by the authority of this very Minister? Was he to be punished for imitating the example of Mr. Canning, in writing parodies, while that gentleman enjoyed impunity and power? Was it becoming on the part of Mr. Canning, or of Lord Sidmouth, who was also, he understood, a party in the Westminster contest to which he had alluded, to institute this prosecution against him? But, independently of the parodies he could have quoted from the history of this contest, he

could adduce many others from the first periodical publications. Who that had, for instance, been in the habit of reading the *Morning Chronicle*, could forget the many interesting parodies which appeared, especially in the early numbers of that excellent paper—yes, most excellent paper, he must call it; he meant for the character of its politics.

Mr. HONE here presented several prints which he had adduced on his previous trials. He exhibited Mr. Fuseli's celebrated print of "The Night Mare;" and then showed a parody upon it representing the Lord Mayor (Wood)* as the night mayor (mare), upon the breast of a girl. What, he would ask, did this parody ridicule? Was it Fuseli's print, or was it Alderman Wood? The Attorney-General had not prosecuted—for ridicule upon Alderman Wood was not unacceptable to ministers. Did the Alderman bring an action? That excellent man, and able magistrate, had too much sense to do so. The print ridiculed his well-meant, though, perhaps injudicious, efforts to clear the streets from prostitutes. By neglecting it he made it harmless. He was afraid that his lordship would think the introduction of all the prints he had before him unmeaning.

Lord ELLENBOROUGH (smiling)—I am afraid I may say so.

Mr. HONE—The object was to show that the design and effect in all those parodies were to impress something on the mind quite unconnected with the thing parodied, and that the thing parodied had suffered nothing from such a use of it.

Lord ELLENBOROUGH—The picture is ground for indictment.

Mr. HONE granted it; but what was gained by indicting? Where was a man more ridiculed than Sir William Curtis? Yet he only bought as many as he saw of them, to laugh at them. Prosecution created a demand for the thing prosecuted; and, in consequence either of prosecution or suppression, curiosity was always excited to a publication supposed to be unattainable or scarce. When Mr. Horne Tooke's "Diversions of Purley" (a work which every man who knew the English language read and admired) was first published, it was in octavo. A second edition in quarto

* Twice Lord Mayor—1815-16.

was preparing, but, in the meantime, a well-known bookseller, still living, pirated the octavo edition, and sold it for one guinea the copy. It was thus that a great demand was created, by giving publicity to a work. He then read the subject of libel, and commented with great spirit and force upon the different parts of it. He would ask any man coolly to lay his hand on his breast, and to say that the Sinecurists' Creed was written with the design and intention to ridicule St. Athanasius's Creed. His lordship was once a member of the Cabinet, and had differed on a great question of state from the other members. His lordship was of one opinion, and the rest were of another opinion; yet there were not two Cabinets, but one Cabinet. Was this parodical phrase impiety? He had taken that mode of expressing truths which he could not otherwise have declared; for if he had attended the Prince Regent's levee, and in his presence called any of his ministers incomprehensible, a fool, a humbug, or a mystificator, his Royal Highness might, perhaps, be of a different opinion. At least, his telling his thoughts in that way would be rather useless and unpleasant. He then exhibited several prints by Gillray, the Prodigal Son, representing two high personages; the Devil addressing the Sun, representing Buonaparte and the Prince Regent; the Hand-writing on the Wall, representing Buonaparte in the midst of his council; the ascent of Mr. Pitt as Elijah; and General Hoche's apotheosis. He now recapitulated the principal points of his defence. Luther had parodied the Bible, and yet no information had been filed against him. The Attorney-General and his lordship had excused Luther as he had done it in a moment of irritation, against persons who had been troublesome to him. Could not the same persons find any excuse for William Hone? He had been attacked as showing a bad example to his family. He had indeed written this parody in twenty minutes, while he held his infant on his knee. But let them recollect that Martin Luther had a family. He had not always continued a monk. Yet he parodied the first Psalm. He was as pure as Luther, and claimed the same excuse. But no excuse was necessary, for there was no wrong done. Gillray was a parodist; he

employed his transcendent talents in parodying Scripture for political purposes. In the ascent of Mr. Pitt, as Elijah, George Canning was represented as catching the dropping mantle. Fox, the most humane, the best man that ever sat in an English Cabinet, was represented on a dunghill, with a Jacobin red cap on his head. He wished Mr. Fox's spirit predominated now in our counsels, and the nation would be in a far different state. The power of government would not be made execrable by the persecution of an innocent and defenceless man. O the persecutors, the persecutors, the persecutors, that obliged him now to stand the third day on his trial! Why did they not, to save Mr. Canning's character, abstain from this prosecution? Mr. Canning would have thanked them, and said, "Hone is a poor fellow; I am a parodist too; this prosecution is a nasty thing; I don't like it." There was Lord Sidmouth, a grave, a good, a religious, and surely a charitable man; there was Lord Ellenborough, a very grave man (his lordship could not resist a smile here); why did they not step forward to help a poor oppressed man? O no! he could not stand three days; their united force would surely crush the insect? No, he defied their power. They could only immortalise him. He would at least go down to posterity with George Canning. If this right honourable parodist ascended after Mr. Pitt, he would lay hold of his left leg, and ascend along with him. They would perhaps have spared him this third trial, if he had implored their mercy. But no; he disclaimed, he anathematised their mercy. They were below the contempt of William Hone, the humble bookseller of No. 67, in the Old Bailey. Walter Scott had edited the parody of Lord Somers. Why was he not prosecuted? O no! this Mr. Scott, a man of great talents, was ministerial, and had held a little ogling for the laureateship with Robert Southey. Who was plain Robert Southey, when he wrote Wat Tyler, and such publications as displeased Ministers. He was now a pensioner and Robert Southey, *Esq.* He (Mr. Hone) had occasion when he edited the "Critical Review," which he did for six months, to see the Stuart Papers. They were published by the librarian to the Prince Regent. There was no prosecution against

that gentleman publishing a partial and insidious apology for those tyrants. No; a great deal of the spirit of "the bonny king and mickle wise mon" was still to be perceived. The Stuarts must be excused and spoken gently of; they must not be talked of as the tyrants, the hypocrites, the bloody-minded persecutors they really were. Such language was unacceptable to courtly taste. Mr. Reeves had parodied the Catechism, but afterwards obtained a pension. But his politics were different. Royalty had singled *him* (Mr. Hone) out for *persecution*, on account of his politics. He could not pretend to have become known to Royalty, but ministers would make him known. This was entirely a political prosecution. Lord Sidmouth had before tried his hand at persecution, when he brought in his bill against the Dissenters. The same noble lord left him to stand three days in that Court. When such a man was Secretary of State, there was very little chance of the liberty of England being protected. The *Morning Herald*, of the 4th of May, 1812, parodied Scripture to ridicule Lord Grenville, but it was for and on behalf of ministers, and there was no prosecution. The language of ministers was, "Everything must be done to keep down those confounded fellows, the Whigs, curse them." The people were taxed to pay these expenses. He, poor as he was, contributed to pay the secret service money. Every morsel of bread that went into his children's mouths was taxed for the paltry purposes of his pitiful prosecutors. He now made a solemn appeal to his conscience as to the innocence of his intentions. He would submit to be posted up as a liar, and to bend his head whenever he walked in public, if he once uttered there, or anywhere else, what he did not believe to be true. Upon his conscience, then, he assured them, that he had no more intention to ridicule St. Athanasius's Creed, than he had now of murdering his wife and children when he went home; for he was sure the jury would send him home to his family. He knew none of them: but he hoped, and he believed, that they were honest-minded and independent men. The Sinecurists' Creed had an extraordinary sale, but not so extraordinary as the Litany. However, he stopped it, from the motives he had mentioned. He confidently put himself under

their protection. As to St. Athanasius's Creed, Gibbon stated that it was not written by Athanasius. Some said that it was in fact a parody upon his creed, and written by Vigilius, four centuries after Athanasius had died. Warburton expressly states that it was not his. Waterland mentions that it was doubted. Archbishop Tillotson on one occasion exclaimed, "I wish we were well rid of it;" and in recent days, upwards of 200 clergymen met, and solicited the late Dr. Porteus, Bishop of London, to take some steps to put an end to the obligation at present imposed on them to read it. Even his lordship's father, the Bishop of Carlisle, he believed took a similar view of the creed——

Lord ELLENBOROUGH—I do not know what his opinion was on this point; you, perhaps, have had better opportunity of knowing his belief. Whatever that opinion was, he has gone many years ago, where he has had to account for his belief and his opinions.

Mr. HONE was about to make some particular references to the Bishop of Carlisle's opinions, when——

Lord ELLENBOROUGH interrupted him, and said, "For common delicacy forbear" ——

Mr. HONE—(In a subdued and respectful tone.)—O, my lord, I shall most certainly! Sure he was, that this creed was not generally believed even by Churchmen.

Lord ELLENBOROUGH—It is not alleged to be Athanasius's Creed here. It is said only to be commonly called the Creed of St. Athanasius.

Mr. HONE—Then it would seem to be the Attorney-General's opinion, from the form of the information to which your lordship has just referred, that the Athanasian Creed is apocryphal, and cannot be viewed as genuine by my prosecutors.

Lord ELLENBOROUGH—Yes; but the Act of Uniformity made it that which it is now described to be.

Mr. HONE—The Act of Uniformity! God forbid that the Act of Uniformity could have had the effect of making this what it is deemed to be, from its import, by some persons. God forbid that this Act could make all men think alike on such a subject as this.

Lord ELLENBOROUGH—It is not intended to have that effect. It merely operates to create uniformity amongst those who conform to certain religious opinions. It is not intended to compel those of a different persuasion to believe it.

Be it so (resumed Mr. Hone); whether this creed were written by St. Athanasius or not, he was not himself prepared to state. He had intended to read a speech made by the Bishop of Clogher on this creed, but it was long, and not essentially material to the case; for the question here was, whether the publication before the Court was meant to bring that creed into contempt, and to that he could give the most conscientious negative. But the jury would, he had no doubt, consider, not the tendency, but the intention. They were not bound to follow his lordship's opinion. If his lordship's opinion were adopted, he should at once have to walk to the King's Bench. To the jury he looked, and to them alone, for protection; for from them alone could he expect aid or advice; and he took leave to observe that it would answer the ends of justice to pay more attention to what he said, than to what might be urged by the Judge or the Attorney-General He had declared that he had no intention to publish a libel, and this declaration was entitled to credit upon this ground, which he would undertake to affirm was the law of the land, namely, that the production before the Court was not a libel, until the jury had so pronounced it. With them alone the power of making that decision rested; and he appealed to them as men, as Christians, as men and brethren, to consider what he had said. For whether they differed from him in political or religious opinions, he trusted they would, in the spirit of justice and Christian charity, examine his case, and consider the terrible sentence that awaited him if they should find a verdict against him. He might happen to differ in political opinions from many of the gentlemen of the jury, but he hoped that they would feel that tolerant spirit towards him which he himself had always practised and recommended to others. For he never could conceive any man entitled to that infallibility, which, by some people, was attributed to the Pope; and without such arrogance no man would attempt to prescribe or censure those

who conscientiously differed from his opinions. Were such a practice indeed indulged, perpetual disputes must arise, harmony be destroyed, and men be reduced to the savage state. But the liberality that was especially of late years so widely spreading, promised to guard the world from such a state of discord and misery. Differences on politics and religion were not now found to interfere with the charities of social life, or the performance of moral duties, and therefore he could not apprehend that prejudice could be found to operate in the breast of any Englishman acting under the solemn obligation of an oath. He felt the most unqualified confidence in the principles and judgment of the jury, whose attention, he feared, he had too long occupied. But he felt that he was struggling for life, for should he have the misfortune to be pronounced guilty by the jury, the punishment which awaited him would be equal to the loss of it. In such a struggle he fancied himself gifted with supernatural powers, but he feared he had trespassed too much upon the time of the Court. He had, however, no disposition to give offence, and this he begged to be understood. He might have been in some instances too eager or peremptory in replying to the Judge and the Attorney-General, but he most sincerely assured his lordship and the learned gentleman, that he had no intention whatever to offend. Feeling that his all was at stake, he hoped he should be excused for the many materials he had brought forward, perhaps unnecessarily. He could still go to the King's Bench, and lay his head down there with the greatest composure, but for his family. If the jury felt doubts, they would be reasonable doubts, and they knew that he was entitled to the benefit of them. He committed himself to them. The liberty of the press was attacked through him. The prosecution had nothing but a political ground-work. Two juries of cool honest men had already acquitted him. He had no doubt but they, too, would send him home to dine on Sunday with his family.

After a speech of precisely eight hours and five minutes, he concluded, amid the applause of the immense multitude that crowded the Court and all the passages to it.

Mr. Hone declined to adduce the witnesses who proved on the

former trials that he had stopped the publication of the parodies as soon as he understood that they were deemed libellous by Government, upon Lord Ellenborough's undertaking to read his notes of that evidence to the jury. The notes were read by his lordship, and Mr. Hone called

THOMAS CLEARY, Esq., who deposed, that on the 21st of February (a day he had reason to remember), he met Mr. Hone near Charing Cross, who stated to witness his intention of stopping the publication of the parodies, as they had been called, in the report of the House of Lords, profane and seditious, or something to that effect. That witness remarked, their being so characterised in the report, did not make them profane or seditious, and strongly recommended Mr. Hone not to take what witness considered so ill-advised a step; as it would by implication be an admission that he (Mr. Hone) considered the parodies profane and seditious, while nobody but the Borough-mongers so considered them. That notwithstanding this advice, Hone stopped the publication the following day; for which witness told him he was a fool.

The ATTORNEY-GENERAL rose to reply—He observed upon the remark of Mr. Hone, as to the division of the charges against him into three informations, stating, that such proceeding was agreeable to practice, especially where the publications charged as libellous were quite distinct and separate, as was the case in this instance. Therefore the defendant had no right to complain, and still less could he warrant the complaint which he had made, of having the present trial brought forward to-day, after two days of previous trials. For it must be in the recollection of the Court, that before the jury were sworn, he proposed to postpone this trial, in consequence of an understanding that Mr. Hone was indisposed, from the fatigue of the two preceding days, and that that gentleman declined to avail himself of the proposition. Were Mr. Hone unequal to make his defence, or did he feel unable to proceed, he could have had time for repose and recovery; and therefore he could not attribute to the counsel for the prosecution, the slightest disposition to subject him to any unnecessary inconvenience. But the propriety of persisting in this prosecution, notwithstanding

the previous acquittals of Mr. Hone upon similar charges, would, he hoped, be felt by every reflecting mind, from the very principle upon which Mr. Hone had rested his defence this day; for Mr. Hone had distinctly asserted his right to publish the paper which was under prosecution, and having stood upon that ground, he (the Attorney-General) should have felt himself guilty of gross dereliction of duty, if he had not persevered in this prosecution. On the former days, the defendant, with a view to induce a belief that he had no intention to publish a libel, rested particularly upon his stoppage of the publication of the parodies, but to-day, he had openly contended for his right to publish them. But if this plea of right were admitted, what was to prevent the defendant from publishing those parodies again on Monday? He would not say that the defendant expressed or entertained any such intention, but if his claim of right were admitted, what was to prevent him or any other person from republishing this parody? and to abandon the present prosecution would be tantamount to an admission of that claim. What a serious responsibility, then, should he incur, if he exposed the cause of religion, and of the country, to the evils too likely to result from such an admission. What a door would be opened for the incursion of profaneness. In his notions of the duty of a judge upon the trial of libel, he undertook to say that Mr. Hone was quite mistaken. For the judge derived no authority from the statute, commonly called Mr. Fox's, which he did not possess before. His lordship had unquestionably the right of stating his opinion upon the law to the jury, upon this as well as upon every other question; and if he did not enjoy that right, what would become of the function and office of a judge? But the judge was invested with the power of stating the law upon the subject of libel, with a view to guard against inconsistent decisions, or the establishment of capricious conceptions, as to the principles of the law. Besides, by the statute alluded to, provision was made peculiarly favourable to the accused, if any special verdict were found, or any appeal made to the judges upon the finding of a verdict against him contrary to law. But the defendant seemed entirely to misunderstand the character and

object of the statute. Now as to the question before the Court, the defendant had adduced a number of parodies, some of which were even worse than that which he had himself published, and none of which were such as he (the Attorney-General) was disposed to defend. Being of opinion that the more becoming course was to reserve Scriptural language for appropriate purposes, he could not approve of its application to different objects. Then as to the prints, it might be that the caricature of Mr. Fuseli's night-mare was meant merely to ridicule the late Lord Mayor, but even so it was an indictable publication. So would any print reflecting upon an individual. But if any painter were to make a ludicrous application of the sufferings of our Saviour, who could doubt that such application would outrage the feelings of every Christian, and amount to a profane libel? So if any one who should parody the paintings of Rubens or Mr. West, upon sacred subjects, he would be indictable for a profane libel; for no man would be justified in exciting mirth, or ridicule, or prejudice, through the medium of sacred subjects. So of certain obscene airs, which were too familiar to the vulgar, and which he was sorry to have ever heard were applied to the Psalms of David, such an application would be profane. As to the parodies quoted from Luther and others, he heard them with regret; but they were the effusions of excessive zeal, and he apprehended that zeal in excess was generally vice. Of the parodies adduced by Mr. Hone, he thought it proper to take some notice. First, as to that from Mr. John Reeves, it was clear that it was not the object of that parody to bring religion into contempt, although Scriptural phrases were made use of, from which it would have been better to abstain. The same might be said of the parody from Mr. Toplady. But there were other parodies adduced by Mr. Hone, which all Christians must condemn—must review indeed with disgust and abhorrence. With respect to the "Tales of my Landlord," Mr. Walter Scott had no doubt made use of a great deal of Scriptural language, which, however, was put into the mouths of zealots, at a time that such language was much more familiar than in modern times. But yet the object of this language was by no means to bring

religion into contempt. On the contrary, the evident end of the author was to ridicule fanaticism, and to expose the artifice of hypocrites, who sought to palliate vice and knavery by the use of Scriptural language. Mr. Hone was therefore mistaken in supposing the "Tales of my Landlord" any precedent for his system of parody, or any excuse for his conduct. He was also mistaken in his conception of the several acts of the legislature with respect to toleration; for no act, either ancient or modern, tolerated that which was forbidden by the common law, namely, railing or scoffing at the Trinity, or the Ritual of the Church. To illustrate this, the learned gentleman referred to the Acts of James I., Charles I., and Charles II., upon the subject of religious toleration. As to the paper before the Court, the learned gentleman read several passages of it, from which he argued that its object was to ridicule the Creed of St. Athanasius, which was a part of the Church Ritual, The whole, he thought, evidently a scoffing at the Trinity, in the terms of "Old Bags, Derry Down Triangle, and the Doctor." But Mr. Hone had said that he did not intend to ridicule the Trinity or the Creed of St. Athanasius; but a man's intention was to be judged by his acts or their effects, and not by what he declares to be his intention. For, if the declaration of an intention on the part of the accused were to be taken as evidence, no one accused would ever be found guilty. But so far indeed from that being the conception of the law, there was a case in the books where a man who had thrown a piece of wood from the top of a house into the street, was found guilty of murder, because that wood killed a passenger upon whom it had fallen. Therefore, the law would not excuse any one who committed a crime, whatever might be said as to his intention. The man who flung down the wood had most probably no intention to kill the passenger, but then he was bound not to do that from which mischief was likely to accrue. So Mr. Hone was answerable for the evil but too likely to result from that publication which he deliberately published; for it could avail nothing to any man to make protestations of innocent intention, while he scattered about his firebrands and arrows of death. The jury would recollect, that

the object of prosecution was to repress offences. Blackstone had very properly observed, that the end of punishment was not to afflict individuals, but to prevent offences. Such, and such alone, he declared to be the object and end of the present prosecution. For he had no personal animosity whatever towards Mr. Hone; but he felt it his duty to the public to institute this prosecution, with a view to prevent the issue of such publications in future as were calculated to undermine the religion of the country, and so to destroy the basis of morality, comfort, happiness, and prosperity.

Lord ELLENBOROUGH then charged the jury. He pronounced the complaint of the defendant as to his peculiar grievances, in consequence of the conduct of the present prosecution, to be entirely groundless. It was the duty of the Attorney-General to institute this prosecution; and although the defendant was right in his opinion that the Attorney-General might include different charges in the same indictment, yet it was indisputably at his discretion to do so; and the course the learned gentleman had taken was agreeable to practice. The defendant appeared to think that libels upon the Scriptures formed a sort of composition exempted by law from prosecution or punishment; but the cases of Woolston and Paine should have informed him that his impression was unfounded; so was his assertion that there was no law of libel; for from the earliest records that law had existed, and been well understood by the judges. The Act of Mr. Fox, as it was called, had indeed made no change in that law. That was no doubt a proper legislative provision. Chief Justice Eyre had stated, that if the jury had only the power of deciding upon the fact of publication, the printer of the libel itself might be liable to conviction for libel. He thought the case put by that learned judge quite too strong, because the interposition of the judge must in such a case serve to prevent a verdict; but still he approved of the statute. In this statute, however, there was nothing to prevent a libel from being tried like all other offences, in which the judge was called upon to state his opinion upon the law to the jury. For, according to his construction of the statute, the judge

was bound to state his opinion upon such prosecutions, and that was also the construction of his learned predecessor; otherwise, indeed, the functions of a judge would cease in such a case. Mr. Hone had, no doubt, told the jury, not to attend to the opinion of the judge, and he might think himself justified in so saying. Unquestionably the jury were not bound to adopt the opinion, or follow the advice of the judge; but without wishing to invade their province he felt himself imperatively called upon to perform his duty, by stating his opinion upon the paper under prosecution. After that opinion was stated, it would be for the jury, from a calm and candid review, as well as of that opinion, as of the paper charged as a libel, to declare their judgment. The main defence was parodies written by other men at different times. The Exciseman's Creed was very offensive. In Bishop Latimer's time much greater familiarity was used in public discourses than at the present period. The parodies quoted by the defendant appeared to his mind to offer nothing in defence of the paper before the Court, which was in fact worse than any of those parodies, even bad as they were. But if the mode of defence pursued by the defendant was valid, what criminal could be convicted? For there was not one offender perhaps, who could not quote one hundred instances in which persons committing the offence with which he stood charged had escaped with impunity. Mr. Hone had, he apprehended, very truly conceived, that if he had employed any barrister, the course of defence upon which he had determined would not be followed up by such barrister; for from his (Lord Ellenborough's) experience of the profession, he did not think that there was a gentleman at the bar, who would outrage decency and propriety so far as to exhibit such disgusting parodies and prints, or at least persist in such exhibitions, especially after the judge had expressed his decided disapprobation of them. God knows that he (Lord Ellenborough) had no wish to do the defendant or any other man an injury, but he felt it due to the ends of public justice and the preservation of individual character, to interpose occasionally his advice to Mr. Hone. Finding that advice, however, unavailing, he had declined to interfere, and let the defendant pursue his own

course. But yet he called upon the jury not to allow the numerous libels which Mr. Hone had thought proper to read, or the gross calumnies which he had uttered against individuals, to operate upon their minds in considering the question, whether the paper before them was or was not a profane libel. The defendant had repeatedly declared that he had no intention to publish a libel in sending forth this paper, but upon that point the observations of the Attorney-General were perfectly just, for the law always concludes as to the intent of any man from his act; and here the question being, whether the defendant intended to bring into ridicule the Athanasian Creed, the jury were to decide that question from a review of the paper before them, and not from the declarations of the defendant. Here the learned lord read the parody itself, and expressing his belief that the terms of "Old Bags, Derry Down Triangle, and the Doctor," were meant to be applied to some public men, commented on each article as he proceeded. The only question for them was, whether this was a libel. Did it force ludicrous and absurd images into the mind when the creed was read? The Father was Old Bags, the Son was Derry Down Triangle, the Holy Ghost was the Doctor. The defendant asked whom the laugh excited by this was against? But although the laugh might be against the persons represented under those terms, did not the Father, the Son, and the Holy Ghost, form a part of the association in this laugh? If they found that there was a mixed profanity of this kind in the subject of the libel, they must find a verdict of guilty; if both the subject and the object of the parody were made ridiculous in the conjunction, they must come to this conclusion. He had not a doubt that the parody before them was a profane and impious libel. This paper was not charged as a political libel, and therefore it must be found as a profane libel, which it was described in the record. His lordship entreated the jury to consider the importance of the case which they were called upon to decide—that the temporal comforts and spiritual interests of their countrymen might defend their verdict. He begged them to recollect, that if such publications as that before them were not prohibited and punished, the country was too liable

to be deluged by irreligion and impiety, which had so lately produced such melancholy results in another nation. The learned lord, after some comment upon the defendant's stoppage of this publication, which fact would no doubt have due weight upon those who, in the event of a verdict of conviction, would be called upon to pronounce sentence, observed that it should have no weight whatever with the jury.

The jury retired at half-past eight to consider their verdict.

In twenty minutes the jury returned into court, and the foreman, after the usual forms had been observed, pronounced Mr. Hone NOT GUILTY.

The moment the verdict was announced, a spontaneous burst of applause issued from the crowd in the Court.

This soon extended to the crowd without; and for some minutes the hall and adjoining avenues rung with the loudest acclamations. The crowd waited for some time for Mr. Hone, in order to greet him as he passed. By an intended manœuvre, however, two groups passed out, in one of which it was expected he was, and it was cheered accordingly. He afterwards passed out through the immense multitude, alone and unnoticed.

During the absence of the jury, a gentleman was brought into Court in the custody of the Chief and Deputy Marshals of the City, charged with riotous conduct on the steps leading from Guildhall to the Court. It appeared, that towards the close of the evening a prodigious crowd of persons, amounting to the number of not less than 20,000, had assembled in the hall, and in the avenues leading thereto. Many of these persons were desirous of forcing their way into the Court, but their efforts were resisted. Among others, the gentleman now brought forward. He attempted to push up the steps, when Mr. Wontner, the Chief Marshal, told him he could not pass. He replied that it was an open Court, and he had a right to admission. This observation attracted the attention of the crowd, which moved towards the spot. Mr. Wontner then said, if he questioned his authority to prevent his entrance, he must take him before Lord Ellenborough. With this view, he laid his hand on his arm, when a scuffle ensued,

and some disturbance, which ended by two of the officers being struck, and one of them knocked down, principally, as it was stated, through the conduct of the prisoner. These facts were proved by several witnesses. The gentleman on being called on for his defence, stated his name to be Mr. Thomas Wetherell; that he had been five years at King's College, Cambridge, and had but recently returned from the West Indies. He had certainly attempted to come up the steps, and did not conceive he was acting improperly by attempting to enter an open Court. The City Marshal had laid hold of his arm, and in attempting to extricate himself from his grasp, all the subsequent confusion happened. A gentleman named Marsh corroborated his statement.

Lord Ellenborough fined Mr. Wetherell twenty pounds, and directed that he should be detained in custody till the fine was paid.

On Thursday, the first day's trial, before Mr. Justice Abbott, Mr. Hone spoke near six hours. On Friday, the second day's trial, he spoke near seven hours. On Saturday, the third day, he spoke in his defence upwards of eight hours.

TRIAL BY JURY
AND
LIBERTY OF THE PRESS.

THE
PROCEEDINGS
AT THE
PUBLIC MEETING,
DECEMBER 29, 1817,
At the City of London Tavern,
FOR THE PURPOSE OF ENABLING
WILLIAM HONE
TO SURMOUNT THE DIFFICULTIES IN WHICH HE HAS BEEN PLACED BY BEING SELECTED BY THE MINISTERS OF THE CROWN AS THE OBJECT OF THEIR PERSECUTION.

MR. WAITHMAN IN THE CHAIR.

WITH THE
Resolutions and the Speeches
OF

MR. WAITHMAN,
SIR FRANCIS BURDETT,
MR. ALDERMAN THORP,
MR. PERRY,
MR. P. WALKER,
LORD COCHRANE,
MR. CHARLES PEARSON,
MR. STURCH,
AND
MR. WOOLER.

ALSO,

THE SUBSCRIPTIONS RECEIVED FROM TIME TO TIME,
WITH ALL THE NAMES, MOTTOES, &c.

LONDON:
PRINTED BY AND FOR WILLIAM HONE, 67, OLD BAILEY;
AND SOLD BY ALL BOOKSELLERS.

1818.

PRICE SIXPENCE.

MR. HONE.

TRIAL BY JURY

AND

LIBERTY OF THE PRESS.

A MEETING of the friends of the Liberty of the Press and Trial by Jury was held at the City of London Tavern, Bishopsgate Street, on Monday, December 29, 1817, to consider of the best means to promote a subscription in aid of Mr. Hone, who had so nobly and successfully struggled against Ministerial persecution. The meeting was one of the most numerous and respectable we have for a long time witnessed. The great room was completely filled at an early hour by an anxious auditory, amongst whom we observed several elegantly dressed females. A few minutes before one o'clock—

*Mr. WAITHMAN took the chair. He was accompanied into the room by Sir Francis Burdett (who was loudly cheered on his entrance), Alderman Thorp, Alderman Goodbehere, Mr. Jones Burdett, Mr. Perry, Mr. Hare Townsend, Major James, Mr. John Williams (the banker), Mr. Sturch, Mr. Charles Pearson, Mr. Wooller, &c. Lord Cochrane entered soon after the business had begun, and was received with long continued plaudits.

Mr. WAITHMAN, immediately after he had taken the chair, rose and addressed the assembly as follows:—

"Gentlemen,—Although I may have to regret that the chair is not more ably filled, yet I can assure you that I never undertook a

* Elected Alderman, 1818; Lord Mayor, 1823.

duty with more satisfaction than I do the present; because I am convinced that no object can possibly tend more to support the liberties of Englishmen than that which we have this day in view. Gentlemen, I had no previous acquaintance whatever with Mr. Hone; and, about a week or two before his trial, when he spoke to me in the street to request that I would look over his jury list, I did not recognise his person. With respect to the Parodies I never read them till they were published after the trials; and though, gentlemen, I have no particular taste for these sort of productions, yet I have seen articles of this kind published on various occasions, and I believe you all know that in no instance until the present were they prosecuted by the Government, or taken notice of by the Law Officers of the Crown. (Applause). I am sure, gentlemen, not one of us can entertain a doubt that if those Parodies had been published in favour of Administration—if they had been published in ridicule of Reformers—if they had been published against the rights of the people—his Majesty's Government would never have attended to them. (Applause.) If, indeed, the object of ministers had been to rescue religion from any insidious attack of the kind alleged the laws of the country were open to them, and they might have proceeded in the usual way; but that would not answer the purpose they had in view, and therefore they resorted to less honourable expedients. In all ordinary cases, I believe, where the law was doubtful, and the object was to define it and make it generally known, the Law Officers of the Crown have been accustomed to proceed in the most cautious and delicate manner. It was the custom in such cases not to render the law an engine of oppression, but by its means to bring offenders fairly to justice and to make their fate a warning to others. On this point it may seem improper that I should enlarge; but, perhaps, as our object is precisely the same, as we have not met to discuss any question on which I think there can arise a difference of opinion, I may be allowed to make an observation or two on this subject, and, therefore, I think it right to call your attention to the origin of those prosecutions and the way in which they have been conducted. When the suspension of the Habeas Corpus Act was contemplated,

and Committees of both Houses of Parliament were formed in order to examine information that was to be laid before them by ministers, a great deal was said to inflame the public mind and to render the country outrageous, not only with respect to those publishers, but with reference to other individuals engaged in the cause of Reform. Little doubt can now be entertained, gentlemen, but that the outrages spoken of as a ground for suspending the Habeas Corpus Act were caused by the exertions of those infamous spies and informers who were hired by the Government, and whose conduct it is unnecessary for me to descant upon. (Loud applause.) Gentlemen, instead of indicting this individual (Mr. Hone), as they would have done if their object had been that which they pretended, ministers took a widely different course, having first taken care that everything should be done by those committees to agitate and inflame the public feeling. The Habeas Corpus Act was suspended. Mr. Hone was dragged from his family and consigned to prison—(these prosecutions have been hanging over his head ever since)—and, at length, the Law Officers of the Crown had brought him to trial. All these preparations which I have mentioned, gentlemen, were to make conviction more certain. Had the intention of ministers been to rescue religion from any insidious attack, they would, as I have before observed, have proceeded by indictment, and not by *ex-officio* information. If their motives were pure, they would have tried him on one case only. They would not have assailed him three times with the manifest intention of inflicting a vindictive punishment on an individual for transgressing a law, the breach of which had not previously occasioned any person to be brought up to trial. (Applause.) I attended the court during the whole of the last day's trial, and for some time on the preceding days, and I there witnessed, with feelings of the highest gratification, the exertions made by Mr. Hone on behalf of the liberties of the whole people of England. (Applause.) I say the liberties of the people of England, for we cannot be said to have any liberties unless we have a Free Press and an unshackled Trial by Jury. (Applause.) The freedom of the press was supported by Mr. Hone in a manner so much to my satisfaction that I

felt it my duty to do everything in my power to rescue that individual from the consequences with which those prosecutions must necessarily visit him, if his case be not boldly taken up by his fellow citizens. (Applause.) Therefore it was that the present meeting originated with a few individuals who attended at the last day's trial, and afterwards proceeded to take refreshment at a neighbouring coffee-house. They felt, as Englishmen ought to feel (and they took no credit to themselves for such a feeling), that Mr. Hone deserved to be supported—that, having exerted his abilities in a manner so honourable to himself and so useful to the country, he ought to be shielded from the effects which these prosecutions must otherwise bring upon him—and they determined to do all that lay in their power to enable him to support his wife and numerous family in a manner worthy of him and of them. (Applause.) The gentlemen who then formed themselves into a committee had prepared some resolutions which will be submitted to you this day. I shall be very glad to hear any observations that may be made thereon, or to receive any suggestions that may tend to further the object we have in view.

Sir FRANCIS BURDETT* then stood forward, and was about to address the meeting, but was prevented, for several minutes, by the cheering which his presence excited, and the cries which proceeded from the individuals at the lower end of the room, who were anxious that he should mount upon the table. In order to procure silence—

Mr. WAITHMAN rose and said, "Gentlemen, if you will have the goodness not to stand on the forms, every one of you will have a good view, and be enabled to hear perfectly well."

This appeal produced immediate order.

Sir F. BURDETT then ascended the table, and after the shouts of exultation had subsided, proceeded to deliver his sentiments. He commenced by stating, that he could not but feel extremely flattered at the manner in which his countrymen had been pleased

* An eminent, popular, and parliamentary leader. Elected, 1807, to represent Westminster in the House of Commons, and he sat for that constituency nearly thirty years.

to receive him on this occasion. At the same time, he feared that the very few words it would be his lot to address to them at present, would scarcely repay them for the deep anxiety they manifested. If he went over all the topics connected with the subject of their meeting this day, he was sensible that he would take up more time than they could possibly spare—and, as there was no feeling of difference on this occasion, as they had a specific object in view—it would perhaps be an improper opportunity for impressing on the minds of the assembly those sentiments, with respect to the Liberty of the Press, and Trial by Jury, which he had always nourished, and which, on many occasions, he had publicly declared. Next to that paramount object—the preservation of the Liberty of the Press—their greatest exertions ought to be made to support an honest countryman, struggling in opposition to the oppressions exercised against him, on scandalous hypocritical pretences. (Applause.) Those who made use of those pretences, seemingly intended only to crush an humble individual; but they meant, in reality, through his person, to destroy the free press of the country. (Applause.) The resolutions that were put into his hands this day, fully expressed those sentiments, and pointed out the necessity of supporting their oppressed countryman under these circumstances. He had fully merited their kindest consideration; and, when such a claim of gratitude, when such a debt of justice was due by them for the exertions that individual had made in favour of their liberties, it was incumbent on them to express the feeling which they, in common, he believed, with the whole British public, entertained of the scandalous conduct of the Government of the country, both with respect to the origin of those prosecutions, and to the infamous manner in which they were carried on. (Applause.) The resolutions comprised several most important points—first, the conduct of the individual—next, the importance of the struggle in which he had engaged, and the circumstances under which he undertook it—and then, what was a corollary of all that preceded it, the debt of justice and of gratitude which they owed him, and which, beyond a doubt, they were most anxious to repay. (Great applause.) Agreeing as he did in all

the sentiments of their worthy chairman—agreeing with him, as they all must, in the importance of the Liberty of the Press, and of Trial by Jury, he would still go one step further, and say, there was no solid support for either of those great privileges, but by the existence of a third—he meant a fair representation of the people in Parliament. (Applause.) They had no security for the Liberty of the Press—they had no security for the personal liberty of any man amongst them—they had no security for a pure Trial by Jury—if the House of Commons were not what it was intended to be—and what the people had as much right to have, as those who held property under the present system had to it, or as the King had to the Crown—namely, a free, fair, and honest representation of the people. (Great applause.) The *excluded* people (he would not now call them the *deluded* people, for their eyes were opened, and information on the subject of a representative form of Government, a subject formerly supposed to be far beyond the grasp of an ordinary mind, was now industriously circulated) had every reason to complain—but they began to feel their power, and they were no longer to be duped by fallacies as they had been. The people had at length attained the knowledge so necessary to their existence as freemen, that the superintending body over those two great essentials should consist of an unpolluted representation of themselves. Their eyes are open to what appeared before beyond their comprehension, and what now must appear to be superior in importance to everything else—the necessity of electing those who should take care of the Trial by Jury, of the Freedom of the Press, and who would see that the judges of the land acted according to the Law and the Constitution. (Loud applause.) Of Mr. Hone's merits he might say with truth (although he blushed to say it), that he absolutely defeated, by dint of ability and manly exertion, the judges and the Crown lawyers. (Hear, hear.) For oppression and undue advantage against a meritorious but defenceless man, this prosecution on the part of his Majesty's Ministers was without a parallel. Indeed, it would be almost impossible to pick out an instance in which injustice and oppression had been so decidedly marked, even if they were to look to the volume of

State Trials, which had been called a libel on the judges of England. Few men in the country could have fought their way with such manly intrepidity, and at the same time with such elasticity of moral and intellectual vigour. He believed the country was quite alive on the subject to which he now called their attention—and if they were so, to whom was it owing? Certainly to Mr. Hone—who at the peril of his life—at the expense of the destruction of his fortune—and, finally, when the annihilation of all his future views was threatened—stood forward, undismayed, and dauntlessly dared the worst his adversaries could do. (Applause.) For this they were deeply indebted to him. With Mr. Hone's conduct hereafter he had nothing to do—but, he conceived, they had no right to doubt but that it would be honourable and manly, when they recollected the courage he had evinced, and the spirit of honest independence which he had displayed, when beset by dangers calculated to embarrass and appal men much better known to the public. (Applause.) There was another individual (Mr. C. Pearson*), whose name ought not to pass unnoticed on the present occasion, although it had not been alluded to by the worthy Chairman—an individual, whose exertions had been of the utmost consequence to the liberty of the subject, in as far as the Trial by Jury was connected with that sacred object. The gentleman to whom he alluded was entitled to the thanks of his country for the pains he had taken to obtain an important reformation of the Special Jury List. The object attained by that persevering and disinterested individual, he considered as one of the most important that had been accomplished during the eventful period in which he lived. For, when a system of corruption existed, he conceived that a greater good could not be effected than the compelling the friends of oppression to give up that old corrupt list of jurymen, and to procure another, containing the names of upright and honourable, and perfectly disinterested men. (Applause.) Mr. Pearson had effected this, and by so doing had perhaps laid the foundation for all those defeats which the officers

* Appointed "City Solicitor" 31st October, 1839. Died, 14th September, 1862. He was the originator of the Metropolitan Under-ground Railway.

of the Crown had experienced. This he considered as the first fruits—as a foretaste of the invaluable blessings resulting from a constitutional reformation. An appeal to an honest and upright jury might be truly said to be a trial by the country, not a trial by a sham time-serving pack of ministerial tools. Now, it might well be expected that the object of Court vengeance could appeal with confidence to a jury of Englishmen, who were armed against treasury influence, and who would stand firm in the cause of liberty. If this glorious reformation could be extended to the county of Middlesex, and the Middlesex Special Jury List were purged of corruption, then would a fair prospect be opened of setting at defiance, as Mr. Hone did on this occasion, the unfair practices of Judges in the Courts of Law. He conceived that a more improper doctrine was never laid down on any occasion, than what had been promulgated by a learned judge in the course of these prosecutions. How could he so mistake the case, as to state, that an Act meant to protect the Liberty of the Press, should be turned against the very purpose for which it had been introduced? Never had any attempt of this sort been more glaring than the construction put upon Mr. Fox's Libel Bill, the professed object of which was to support the Liberty of the Press. But the Learned Judges attempted a construction which was in direct opposition to the object for which it was framed; for, according to them, the judge on the bench had a right to act as foreman of the jury, and deliver his own verdict first—(hear, hear)—and this with all due theatrical solemnity—the hand upon the heart—at least, the hand where the heart should be—(laughter)—and under the pompous solemnity of an oath of office; but this too with all the aggravations and exaggerations of the importance of the trial—before the jury opened their mouths, or even had an opportunity of forming their own conscientious opinion upon the subject. Now this could not be the true construction of Mr. Fox's Act; for if it were, the King's subjects were in a worse situation than they were before the passing of the Act. If he (the Hon. Bart.), read the Act rightly, it was, that the judge should give his opinion to the jury as in other cases. Now, if that were so, he

would ask, whether the judge in this case ought not to give such an opinion as would be most conducive to the ends of justice, and most favourable to the liberty of the country. But Mr. Hone and an honest jury had put the right construction upon the Act, and they happened to put a very different construction upon it from that of the learned judge. They could not be reasoned out of their own plain, unsophisticated, common sense—they could see no guilt, where the intention did not accompany the act, and conforming to the general principles of the Law of England, they could not find a man guilty, who had no intention to commit offence. The intention was the *gravamen* of the charge, and unless the intention was corrupt, there could be no guilt. The fact, however, was, that he never knew a lawyer able to perform a common-sense idea upon the subject of the law of libel. Unfortunately, there was no settled and defined law upon the subject; and, indeed, so uncertain was the law of libel, that a man could hardly be able to tell, in nine instances out of ten, when he had or had not written a libel. Nay, a man who set out with an avowed intention of writing a libel, might fail of his object, though he meant to break the law. There were cases in which a man would be justifiable in writing a libel; for instance, when the object was to awake his countrymen to a sense of some dangerous inroads upon their liberty. Such might fairly be called an *honest libel;* but it was most lamentable that there was no certain rule of law applicable to offences of this description. All other offences in the criminal code of the country had some technical name by which they were respectively known and defined. The plainest understanding could comprehend the meaning of burglary, murder, &c.—offences which were known to the common law of England. But there was no knowing what a libel meant. It was an offence which carried with it the marks of its accursed origin,—namely, as the invention of the Star Chamber, founded upon musty remnants of the Civil Law, which was contrary to the genuine principles of the law of England. All offences injurious to the country were clearly defined by the latter; but this new fangled offence was founded in artifice and false pretence. By this law, a man of the purest motives and most

upright character might be doomed to linger out a miserable existence within the walls of a dungeon, without even being aware that he was committing any offence. Libel was really anything which the law officers of the Crown could persuade twelve men, picked and chosen by the master of the Crown Office, to believe to be an offence against his Majesty's Ministers. To Mr. Charles Pearson's manly exertions, however, was the country indebted for a change in this unjust system of packing and culling jurymen. But in truth, it might be said (with his friend Mr. Horne Tooke) of the old jury list, that it was like offering a man a basket of rotten oranges, from which he was at liberty to take his choice. (A laugh and much applause.) It seemed, however, that the judges of the King's Bench had laid it down as a broad position, that the master of the Crown Office had a right to nominate and choose the jury from the jury list. This was a position which was without any legal authority, and one which the common sense of the people would not endure. It was impossible to bear the people down with doctrines so diametrically opposite to the principles of common justice. This was a subject into which it was impossible now to enter. Mr. Hone, by his manly and courageous exertions, had achieved a public good; and in that sense must his recent painful trials be considered. Like the man who used to exhibit his head in the lion's mouth, he had had his head in the lion's mouth, but fortunately for him the lion had not wagged his tail, or probably his fate would have been the same with the unfortunate showman. His perilous situation ought not to be forgotten. But upon this subject it was unnecessary for him to say a word. The numerous assembly present marked the sense of public feeling on the occasion, and he was quite persuaded that Mr. Hone would meet with that reward which his distinguished merits deserved. But, because he had won the victory, they were not to suppose that he had not encountered any danger; because he had returned to his family, they were not to imagine that he was not near being snatched away from them. If a verdict could have been obtained against him, he probably never would have returned to them again. But, as he had gone through his critical

trials with manly intrepidity, with a boldness truly English, without offence and without fear—he conceived that his conduct called on them to put him in such a situation, that, for the rest of his life, he should feel the benefit of those rare good qualities which he had so eminently displayed through the whole of this business. He should now conclude, although the subject was one fluent as the sea, and, were all its sands eloquent tongues, it comprised matter to employ them all. He felt it unnecessary to address such an assembly—an assembly of Englishmen—in a strain of exhortation on the sufferings which Mr. Hone had endured. He would not say a word on that point, because he knew full well that their feelings would dictate to them what they ought to do. He knew that they needed not to be prompted on such an occasion; and, therefore, he should conclude by moving that the resolutions be read.

*Alderman THORP declared his unwillingness to offer himself to public notice on any occasion, but when called upon to perform an important public duty, he should rather be thought obtrusive than reluctant. Therefore, he had no hesitation to second the motion, which had been so ably supported by the worthy baronet who preceded him. It was impossible, in his judgment, for any Englishman not to exult in the issue of Mr. Hone's trials, and in the manly manner in which that meritorious individual had conducted himself throughout; for while that conduct presented a most interesting example of the genuine spirit of an Englishman, the result afforded a most important testimony of the value of the trial by jury, and an additional barrier for the Liberty of the Press. He cordially congratulated the Meeting upon this inestimable victory, feeling, as he did, the great benefits of the Trial by Jury, and the Liberty of the Press; for without those invaluable privileges, no country could be free, and with them no country could be enslaved. The three Juries, therefore, who tried Mr. Hone, and who might well be regarded as the representatives of the uncorrupted population of England, had asserted their right to maintain the Trial by Jury in the fulness of its purity, as well as performed their duty in defending the Liberty of the Press.

* Elected Alderman, 1817. Lord Mayor, 1820.

Such Jurors were entitled to the universal thanks of their country in establishing the triumph of sound reason and common sense over hypocrisy and sophistry. (Applause.) The Worthy Alderman concluded with a panegyric upon the motion, which was put, and carried unanimously.

The Resolutions were then put by the Chairman *seriatim*, and were carried unanimously, and with the loudest acclamations.

RESOLUTIONS.

1. That the Liberty of the Press is one of the dearest rights and proudest distinctions of Englishmen, and is inseparably connected with, and wholly dependant on the purity of the Trial by Jury.

2. That the inestimable importance of the sacred and constitutional right of Trial by Jury, has never been more demonstratively proved than by the recent prosecutions and honourable acquittals of Mr. William Hone.

3. That Parodies on Scripture having been written and published by Martin Luther, the Father of the Reformation, by Dignitaries of the Church, and by other eminent and learned personages down to the present time, we are persuaded that the exception taken to the parodies of Mr. Hone by the present Ministers of the Crown was to answer political purposes against the Liberty of the Press.

4. That a hypocritical prostitution of Religion, and a pretended zeal for its defence, when used by corrupt Statesmen as a mask for political persecution, must ever be held by all sincere Christians as the worst profanation of its sacred name.

5. That it is evident from the manner in which those prosecutions were commenced and conducted, that the real object of Ministers was not to protect Religion; but to crush an apparently defenceless individual, who had exposed their political delinquencies, to stifle public discussion, to destroy the Liberty of the Press, and to uphold existing abuse.

6. That the extensive knowledge, the varied talents, the manly intrepidity, the energy of mind, and the unshaken perseverance which enabled Mr. William Hone so dauntlessly to resist the reiterated assaults of Ministerial persecution, entitle him to the gratitude and support of every friend to constitutional freedom.

7. That a Subscription be now opened, and that the money which may be subscribed, be placed in the hands of a Committee to be used in such

way as shall appear to them best calculated to promote the permanent welfare of Mr. Hone and his Family.

8. That the following Gentlemen be of the Committee:—Alderman Goodbehere,* Alderman Thorp, Robert Waithman, Joseph Hurcombe, William Sturch, Samuel Brooks, William Williams, William Teesdale.

9. That Robert Waithman be the Treasurer.

Mr. WAITHMAN now observed that he should have stated that there had already been subscriptions to a very good extent received. The Chairman was called on to read the names, and immediately proceeded to state the names, &c., under which the subscriptions had been received; among others, were, from a lady, £50; No Politician, £5; No Parodist, but an enemy to persecution, £21; Mr. Waithman, £10; Mr. Sturch, £10; Pro Bono Publico, £2 2s.; Aldermen Goodbehere and Thorp, £10 each; An Englishman, £10; James Perry, Esq., £20; Sir Richard Phillips, £5; Jones Burdett, Esq., £5, and so on to a very considerable amount. Mr. Waithman next observed that he had a very gratifying thing to communicate; it was, that he had received through a friend known to them all, a subscription of £100. (Loud applause, and cries of "Name! name!") He did not know who this liberal contributor was, although, perhaps, his name might be collected from the manner in which the subscription was given; it was accompanied by the following sentence:—"From a Member of the House of Peers—an enemy to persecution, and especially to religious persecution employed for political purposes." (Loud and continued cheers.) The worthy Chairman, in conclusion, said, that it was impossible for any person not present at Mr. Hone's trial, to form the least conception of the ability, courage, and feeling displayed by that worthy man in the trial. He appeared on the highest pinnacle on which a man could be placed, while all around him looked little, very little. "I'd sooner forget all I ever saw beside, than be without the impression which I felt on witnessing such a scene." (Great applause.)

Mr. PERRY, of the *Morning Chronicle*, rose amidst tumultuous applause, for the purpose, he said, of taking a part in the pro-

* Elected Alderman, 1809.

ceedings of that day, than which none could have been more grateful to his feelings—it was to propose the thanks of the assembly to that eminent and distinguished patriot, whose merits were too strongly engraven on the mind of every man who heard him to require enumeration—he meant Sir F. Burdett. (Cheers.) To do justice to the character of that enlightened statesman, would require a portion of the eloquence which had been displayed by Mr. Hone in the course of his able defence; he felt that he was incompetent to the task, and could only say, that they all owed the deepest obligations to one who had so bravely, with so much eloquence, and with such unabated zeal fought their battles. (Loud cheers.) He was delighted to find that the enthusiasm of the meeting corresponded with his own. It might with truth be said, that no man deserved more the admiration of his countrymen than the Hon. Baronet to whom he alluded. Met as they were to defend the liberty of the press—for unless the press were free, no man could exist in society—it was the light of the mind, it was to the mind as air was to the human body, without it they must expire. (Cheers.) He said, met as they were for this purpose, it was impossible to tell what was the amount of the debt of gratitude which they owed to those individuals who had stood forward to protect that which was the food of the human mind. (Cheers.) The Hon. Baronet (Sir F. Burdett) had said, that, in point of fact, the law of libel was utterly undefined, and that men with the best intention, and with their eyes open, might write a libel. This was, indeed, a faithful representation of the case. The interpretation which he had heard given to a libel, and more especially by those who were interested in meeting the wishes of Ministers, was, that truth was a libel, that anything which was written or published, of which any body complained, was what the law designated a libel. In other words, that any man who dared to publish the truth, however important the truth might be to the interest of the community, was a libeller. He could only say, that he for one would brave this construction. He would publish the truth, though he should provoke his Majesty's Ministers to attack him. (Applause.) He denied that

truth was a libel. To tell the truth was a privilege to which they were born, and was one which he would not be the first to sacrifice. The Hon. Baronet had said that he did not know a single lawyer who had ever formed a common-sense idea upon the question of libel. Although it gave him pain to differ in the slightest degree from one for whom he entertained so much respect, yet in this particular he was bound to disagree with him, and he thought the Hon. Baronet would be a convert to his opinion. There was a lawyer who had been able to come to a just conclusion on this subject. He meant that individual who had been the real parent of the libel bill—one who had defended him successfully under prosecutions for libel, and one to whom his country would ever feel indebted—he meant Lord Erskine.* (Loud and reiterated cheers.) Lord Erskine was a lawyer who had grappled with the greatest judges of his day, in the first stage of his legal business, when he had everything to dread from their power, and everything to hope from his subserviency. Before he proceeded to read the resolution, to move which was the object of his rising, he begged leave to suggest the expediency before they separated of some steps being taken to have another meeting. He conceived it was of the highest importance that they should have an opportunity to express their feelings on the great cause of all those persecutions. That which he wished was, that an expression of public feeling should go forth, and that a meeting of the Freeholders of the county of Middlesex should be called, for the purpose of making a declaration upon the suspension of the Habeas Corpus Act, and upon that abominable circular which had been issued by the Minister of the Home Department; by which he had prohibited the circulation of what he was pleased to call blasphemous libels, and empowered the magistracy to send to prison those by whom they were sold. These publications had now, by the acquittal of Mr. Hone on three successive trials, and

* Born about 1750. On the death of Mr. Pitt in 1806, when Lord Grenville received the commands of George III. to form a new administration, Mr. Erskine was created a peer, and raised to the dignity of Lord High Chancellor of Great Britain. Died, 1823.

on three successive days, during which he had been tormented physically as well as mentally, been pronounced no libels. The whole foundation of the suspension of their liberties was a mere fallacy; and under such circumstances, were they, with their eyes open, to suffer the act by which those liberties were suspended to expire of itself? (Shouts, and cries of "No! no!") Would they not, by an expression of public feeling, call for its instant repeal, and not by acquiescence, as with the Mutiny Bill, or a common Shipping Bill, have it hereafter renewed as a matter of course once a year? (Cries of "Yes! it must be repealed without delay.") Let a requisition be sent to the Sheriff of Middlesex, and let it be known that it came from that room, requiring him to call a meeting for this purpose; and let the committee appointed on the present occasion bring the matter forward in such shape as to them might seem proper. He trusted their example would be followed by others, and that the feeling would go round the country. Mr. Perry concluded by moving:—

10. That the thanks of this meeting are due to Sir Francis Burdett, Bart., for his spontaneous offers of co-operation with the gentlemen originating the subscription, in strict conformity with a life of pure patriotism and love of country.

Mr. WALKER rose to second this motion, which had his most complete and unqualified concurrence. The worthy baronet full well knew the feelings of Englishmen. (Applause.) He had too much judgment to dwell on any exhortation to them to subscribe on an occasion of this kind, he left that point in its proper place, well knowing that they would exercise their zeal upon it in a manner becoming such a subject. He would take this opportunity of paying a proper tribute to the fair sex, a few of whom were then in the room. (Some interruption here took place.) They recollected that one fair lady sent £50 to grace their subscription. (Great applause and laughter.) They ought also to bear in mind that one juror on the first day's trial stepped forward on behalf of Mr. Hone, when he was about to be put down for using what the judge thought irrelevant matter, and said that he thought the

matter relevant.* Such a man deserved public thanks for the expression of his honest feeling. (Applause.) It maintained and supported at such a moment in Court a struggling and nearly overpowered man, and enabled him, under *Jury*-masts, to trim his little bark, then exposed to the pelting of the pitiless storm, and bring it round into the harbour with safety. The gale which was chasing bigotry from the shores of South America would not allow that hideous monster to take refuge in England; but entering Guildhall it rived the very trappings of the Judge, who was obliged to exclaim to the Attorney-General, who felt the blast, "we had better let it blow over us." (Much laughter.) The worthy gentleman concluded by an eloquent appeal to the meeting on behalf of Mr. Hone and his infant family.

The resolution of thanks was then carried by acclamation.

Sir FRANCIS BURDETT rose and returned thanks. He felt that this new subject on which Mr. Perry had touched in so handsome a manner towards him, and with so much eloquence in descanting upon the topic, was one on which he (Sir Francis) could say little, except that he highly cherished and esteemed this expression of their good opinion; and that he also considered the good opinion of his fellow-citizens as the only reward he could hope for, wish, or experience throughout the whole of his life. (Applause.) On the same principles which this day received the stamp of their much-valued approbation, they might reckon on his future efforts, be the time long or short that may remain for his public career. Before he entered on a more pleasing task than self-allusions, he would make one or two observations on an allusion made by Mr. Perry, to the opinion of an eminent lawyer relative to the law of libel. There was, doubtless, no person more conversant than that gentleman with the subject, or fitter to pronounce an opinion upon it. Mr. Perry and himself (Sir Francis) were equally convicted libellers, and they had a right to look closely to this matter. [Here it was in-

* He said that he was prepared to die, if need be, rather than pronounce a man "guilty" who was manifestly prosecuted, not for blasphemy or sedition, but for exposing abuses which were eating into the very heart of the nation. This juror was an eminent London merchant, named Elwall.

timated to the worthy baronet that Mr. Perry had not been convicted on the occasion he alluded to.] Sir Francis then observed that he had committed a mistake; he certainly recollected very well that his friend was indebted to a very able defence which he made in person for his acquittal on a groundless charge of libel, but he thought that he had been convicted on a former occasion, and on that account he thought he might have considered him as his fellow colleague. He had himself been imprisoned for what was called a libel, and he might be so again; but no fear of that kind would ever deter him from exposing a corrupt Assembly that acted in the name of the people, just as the ministers were acting in the name and on behalf of his Majesty. (Applause.) No penalties that Assembly could inflict should ever deter him from speaking the truth in defence of the liberties of the people. Whenever they attempted to enact measures trenching upon the natural, unalienable, imprescriptible, rights of Englishmen, there was no penalty, there should be no laws, which should ever deter him from incurring that penalty, from breaking those laws whenever the rights and liberties of his country required such a sacrifice. (Loud and continued cheering.) As to the observation respecting the opinion of a certain great lawyer on the subject of libel, he did not think there was any disagreement between them on this point. Lord Erskine, when at the bar, did certainly bear up most nobly against the oppressive doctrines of judges, but he never did define what a libel was; and a gentleman who was in the habit of writing, like his friend, did not now know any lawyer to whom he could go and consult as to what was libel or what was not; and if he did consult lawyers they would give different opinions according to their private views. In short, no one ever could define what a libel was; and for himself he believed everything he ever wrote might by some lawyers be called libels. (Laughter.) There never was such a despotism as this Law of Libel, as it was called, had reared. It was a thousand times worse than the plan adopted by the tyrant Caligula, who posted up his laws, but in places so high and in letters so small that, though it was impossible to read them, it was death to commit an infraction upon their provisions. A different plan was,

indeed, practised in the early times of England. The statutes were then really promulgated—they were posted in the market places and read in all the churches. This fair notification may be said to justify the maxim that ignorance of the law was no excuse for its infraction. But what was the case now, they had rooms full of statutes on every simple subject? Lawyers did not know the law, they only went to look after it among the books on receiving their fee. (Great laughter.) There never had been a common-sense definition of the Law of Libel, or of the offence itself. The only fair definition was that any writing was a libel which a person belonging to the Government thought so. (Applause.) The notion that a thing was a libel because it tended to a breach of the peace was nonsense—it was absurd. A man, forsooth, was accused of writing something which may possibly provoke, not himself, but some other man to do a criminal act. This was pretty common-sense and excellent law—it was in so many words to say that if an individual laid down his goods where some thief was tempted to take them away, the owner should be punished for his tempting, and not the thief who stole the property. (Great applause.) He had now the pleasing task of drawing their attention to the exertions of a gentleman who had deserved well of his country. He meant Mr. Pearson, who, along with Mr. Wooler, was the first to attack the abominable system of striking special juries. And not only Mr. Hone, but the public at large were indebted to that gentleman for having so bravely placed himself in the gap, and endeavoured to break down that practice. In reforming that obsolete and imperfect list, he maintained that the greatest practical benefit ever conferred in his time was thus bestowed on the community. He thus brought home one of the greatest and most leading benefits of the British Constitution. He accomplished this great act by his own exertions, and through the medium of his own intellect, which enabled him to see his way clearly and properly to the real evil at issue. The worthy baronet concluded by moving—

11. That the thanks of this meeting are hereby given cordially to Mr. Charles Pearson, for his manly and successful struggle in correcting

the corrupt system of packing juries, which has contributed so essentially toward the present triumph; and especially for the gratuitous advice and assistance given to Mr. Hone throughout the whole of the prosecutions, affording a rare example to his profession of zeal, independence, and disinterestedness.

Lord COCHRANE then rose, and was received with loud cheers. He said, that in doing himself the honour of seconding the motion just made, he could not refrain from expressing the great gratification he felt at seeing such a meeting assembled, for a cause in which they must have the concurrence of every honest man throughout the nation. (Hear, hear.) With very different feelings he appeared in that room on a former occasion, when an attempt was made to practise a delusion upon the people, by *telling* them that their distresses arose from the sudden transition from a state of war to a state of peace. This delusion he, at the time, assisted to dispel. They had now to contemplate a very different spectacle; they had to witness the triumph of the oppressed over his oppressors; and to learn from it the wholesome lesson, that while the purity of an honest Trial by Jury existed, and while English jurors were faithful to their trust, tyranny could never shackle the people. (Great applause.) But this triumph never could have been obtained, had not the Jury List been purified. Was it to be endured, that in such a metropolis as London, only 480 men (the number on the old list) were qualified to perform the important office of jurors? It was thus that previous convictions had been obtained; for in all other cases juries were found to take the law of libel at once from the judge. The present, however, was the greatest blow that tyranny ever met with in this country. Short of a radical reform in the House of Commons, this reform in the Trial by Jury was the most important. When any of the gentlemen who heard him, therefore, sat on juries, he hoped they would guard themselves against the misrepresentations which were made by lawyers; and he hoped this subject would be soon taken up in a proper manner in Parliament. He spoke feelingly on this subject. (Applause.) But the case of others had been much worse, for many were convicted and punished with death, on the

evidence of the most abandoned characters; men were convicted by packed juries, and on the evidence of suborned and false witnesses. His lordship afterwards adverted to the sentence that had been passed on him upon an unjust conviction for breaking out of prison. A fine of £100 had been thus imposed on him; but sooner than have paid that fine, he would have remained and rotted in prison; his constituents paid it for him, and relieved him from his most painful situation. That money he wished now to return; and with feelings of heartfelt thankfulness to Mr. Hone for his manly and able exertions in defence of the liberties of the people, he would now lay down the £100 which he then held in his hand, in addition to the sums already subscribed for him. (Here there were torrents of applause, which lasted several minutes.) He said he never in his life did any act with more satisfaction than this. He wished he had the means of doing more. (Cries of "Bravo!") He had attempted to convert the money with which he would pay his subscription, into the ancient coin of the realm, but the Bank would only pay old outstanding notes in this manner; they knew that no such were to be had, and this they called a resumption of cash payments. (Applause.) He might have got *Sovereigns* or *Regents*, but he knew that they had nothing to do with this subscription, and he therefore did not bring them. (Laughter.) What other names for coin there might be by and bye, he knew not now. The good old Crowns would be called, perhaps, Boroughmongers; the Half-crowns, Sinecurists; the Shillings, Placemen; and the Sixpences, Expectants. (Continued laughter and applause.) The noble lord animadverted with great indignation on the prosecution he had endured, and pledged himself to unfold such a scene, with reference to the transactions imputed to him, as would shock every honest and feeling mind. He concluded by repeating his eulogium on Mr. Pearson, and seconding the motion of thanks to that gentleman. (Great applause.)

The motion was unanimously carried.

Mr. C. PEARSON—Gentlemen, I rise under considerable trepidation to acknowledge the obligation I feel myself under for

the kindness I have just experienced. In acknowledging my gratitude for that exhibition of friendship which you have so feelingly manifested towards me on this occasion, in consequence of the part I have taken in this business, I feel a very great degree of difficulty,—because it is the first time in my life that I have addressed so large an assembly—and it is certainly the first time that I ever addressed an assembly on such an occasion. If I *do* not return thanks so expressively as you may conceive I ought, it is not because my heart cannot feel emotions of gratitude. *My* heart has felt them in hallowed silence—you have touched its most sensitive chord—but I am unable to sweep the strings, on this occasion, with the same facility that I might do on others. (Applause.) My exertions were called forth, on the recent struggle, because I saw such abilities and talents in the gentleman whose conduct has earned your approbation this day, as led me to believe that he would be able to make a powerful stand against the inroads of power. (Applause.) I hope this applause is given to me, not for what I have done, but because I am a new soldier in the cause of freedom, whom you would wish to encourage; I hope it is *bounty*, given to me, as a *recruit*—and permit me to observe, if such be the fact, that Mr. Hone is my *bringer*—and I trust the *bringer* will be liberally rewarded. (Applause.) When I went to the Crown Office with Mr. Hone to strike the jury, and to endeavour to abolish that system, which has sent many persons as innocent as he is, to dungeons and to death, I found there the *Ostlers* of the *Augean Stable*, with the *hacks* of the *Court* in waiting, and the *Jehus* of the law ready mounted in order to ride over the liberties of people. (Applause.) I found them, like the Indian worshippers, ready to sacrifice to the God of their idolatry, by driving the chariot of power over this oppressed man. (Applause.) They said, "Gentlemen, there shall be no selection—there shall be an indiscriminate taking—you may proceed to any part of the stable—well knowing that the sorry *jades* in *that* stable, almost worn out in the service of corruption, were ready to give us the *long-trot* the moment they were employed. I was fortunate enough to produce an opposition to this system. I stated

my determination to attack, in every way, a system detested by good men in all times—a system reprobated on the trial of Mr. Horne Tooke—a system, the principles of which those who have been the victims of it never took on themselves to investigate, because they felt so many strong prejudices embarked in favour of what appeared to be a fair jury. (Applause.) We, however, sent their *hackneys* back to the stable—(applause)—and, I am happy to say, I have secured stable and all, and have them now in my possession. (Laughter.) I feel much obliged to many individuals in this room for the triumph that has been obtained—because I know it is to be ascribed to them in a great measure. Their manly exertions—their exalted names—their honourable characters—carried forward my views in that Court (the Common Council) before which it was necessary that I should appear, for the purpose of effecting the great object I contemplated. I allude more particularly to the honourable individual who now fills your chair. From him I received the most polite attention, the most manly and candid support. (Applause.) It was no trifle, when he, a veteran in arms, who had led so often to victory, condescended to follow the suggestions of a *raw recruit*, who might be said never to have seen a musket, and to be completely ignorant of the use of it. (Applause.) Gentlemen, though much has been done—much yet remains to do. We have not only to put down the system for the present, we must effectually provide against its recurrence at a future period. (Applause.) I hope we shall not let the present year pass away without doing that which will stand on record for ages, as essentially beneficial to the country. I trust that in this year, when the great luminary of our Constitution, the Habeas Corpus Act, has been eclipsed, that we shall not be plunged in total darkness; but that the renovated Jury List will be left to cheer and console us; I trust it will rise as the evening star of our liberties, when all beside is dim and cloudy. (Applause.)

Mr. Sturch said, a resolution had been put into his hand which did not require any deep reasoning or great preparation in order to introduce it to the meeting. If it had been otherwise he should have declined bringing it forward, because he came into that room

totally unprepared to take any active part in the business of the day, and was quite ignorant of the resolutions that were intended to be proposed. He knew indeed the general purpose of the meeting. He considered it to be a most laudable one, and he entirely approved of it. The resolution which he was about to move accorded entirely with his sentiments, and, he was convinced, with those of every person present. It required no ability to bring it forward, and therefore he undertook the task, not only without reluctance, but with pleasure, because it afforded him an opportunity of expressing the gratitude of his heart to those worthy gentlemen who were the cause of calling this meeting, and particularly to his valued friend who now presided in the chair. The situation was indeed one of which any individual might be justly proud—because he presided over an assembly of freemen, met for the sacred purpose of supporting and protecting those rights and privileges which were dear to them as their lives. The motive which induced him to take that chair was the same that had directed his conduct during a long life spent in the public service—namely, a wish to serve that great and noble cause of liberty in which they were all so deeply interested. (Applause.) He had also another gratification of coming forward with this resolution, because it gave him an opportunity of expressing his indignation at, and his reprobation of, that most unjust and cruel persecution which Mr. Hone had experienced—(applause)—which was carried on under the hypocritical pretence of zeal for religion and morality —(applause)—at the very moment that those who were engaged in it knew that religion had nothing to do with it; that it was fomented by a feeling of political revenge on their part; and that, in fact, the publications had no object but a political one. (Applause.) He could not help confessing that at some moments he was inclined to look with an eye of pity and compassion on the Attorney-General and other persons connected with him in these prosecutions. He could easily conceive the difficulties they laboured under; and if he thought that the law of England would excuse one more parody before they were laid by for ever, he would say, "It is easier for a camel to pass through the eye of a needle than for a Crown Lawyer

to be an honest man!" (Laughter.) In conclusion, after a handsome eulogy on the public and private virtues of Mr. Waithman, it was moved by Mr. Sturch—

12. That the thanks of this meeting be given to Mr. Waithman for his conduct in the chair, and for his exertions upon all occasions to support the cause of liberty.

Mr. WOOLER stood forward amidst a scene similar to that which the theatre presents when Mr. Kean* appears in a favourite character. He said he rose on the present occasion to second the motion that had been just introduced to their notice, and he did so with the greatest pleasure, because there was no man whom he could feel greater pride to see in the chair than the gentleman who now filled that situation. He thought it was as decisive a proof as that gentleman could give (if proof were necessary) of his entire devotion to those principles of reform and liberty which they all wished to rescue from the powerful grasp of tyranny. The present was one of the most important cases on which a public meeting could be convened. It was a meeting of the inhabitants of this great metropolis, hurling back on those slanderers who had deprived them of their rights the charge of sedition, disaffection, and disloyalty, which they had preferred against them; and telling those who had dared to infringe on their liberties that they were ready to defend them. (Great applause.) The result of those trials had proved the truth of a proposition which he always had and ever would maintain—namely, that there was nothing so contemptible as usurped power, and nothing so formidable as courageous innocence and a determined spirit. (Applause.) The result of those trials had finely exemplified the moral observation of our great poet—

> "Thrice is he arm'd who hath his quarrel just—
> And he but naked, though lock'd up in steel,
> Whose conscience with injustice is polluted."†

This remark might fairly be said to have been literally fulfilled in Mr. Hone's case. Thrice was he assailed, thrice was he armed for

* Edmund Kean, an eminent English tragedian, was born in London about 1787; died, May 15th, 1833.

† Shakespeare.

the attack, and thrice he returned successful from the combat. (Applause.) The array which he had to encounter was dreadful. Awful was the appearance behind the bar and on the bench of wigs, and gowns, and gravity—all summoned to oppose him. (Laughter.) He was encountered by those who deemed their forensic paraphernalia more important than did the contending heroes of old the armour of Achilles; by those who sometimes seemed to forget that imagination might lead people to look for a *man* beneath the *gown*, or a *head* under the *wig*, however ill its interior might be furnished. (Laughter.) Those gentlemen depended much on their gravity; but when they learned from natural history that the gravest quadruped was an *ass*, and the gravest bird an *owl*, men of common sense would not pay much attention to this qualification. (A laugh.) The character of an English Judge ought to be one of the noblest titles that a man could boast. (Applause.) He ought to hold the scale of justice equally between power on the one hand and passion on the other. (Applause.) He should hold his hand as steadfastly opposed against the Minister of the Crown, if the minister meant to wrong the people, as he would against any portion of that people who had been misled into the commission of crime, and were prosecuted for a breach of the laws. (Hear, hear.) While English Judges maintained this character, and pursued this conduct, England was safe; but when the *man* was seen on the Bench and not the *judge*—when he who wore the judge's gown appeared to be the friend of Ministers; when he was seen acting with them on all occasions and abetting all their proceedings; when, instead of being counsel for the prisoner, he appeared as his vindictive prosecutor—what might not the country fear? (Great applause.) He could applaud ambition when greatness of mind accompanied it, although he might lament its career; but he hated that grovelling meanness which clung to place only for its emoluments? (Applause.) When dignity of conduct was seen in high situations it was respected as it ought to be; but where littleness of mind appeared, conjoined with high rank, it met with merited contempt. If such contempt had fallen on some persons in this country were the people to blame? Had they sought to bring greatness into disrepute?

No; it was not the people. They never harboured such an idea. Those persons only had wrought this effect who employed their power and greatness where it ought not to have been exerted; who used their influence where it ought to have been unknown. (Applause) A good deal was ever said about the credulity of Englishmen—they were usually reproached with being too fond of confiding in appearances. They all knew, as a matter of history, that a measure was passed early in his present Majesty's reign, which, as the name went, had for its object, making the judges independent of the Crown. But it was a strange independence for these high characters that the Crown should appoint them in the first instance; and that they should afterwards for life retain the same high salaries. From the Crown then they got everything—from the people nothing—and did not the regular march of judicial, like any other official patronage, show the independent qualities for which Judges were selected by the Crown. Did the people not see it in the opinions invariably pronounced by Learned Judges in every case of libel which came under their cognisance. (Applause.) The people of England stood now on a proud eminence. They saw before them two high barriers erected for the preservation of British freedom—one, the Trial by Jury; the other, the Liberty of the Press; they had also to look forward to the proper guard and protection of both—a constitutional Representation of the People. (Applause.) The first of these great barriers was incontestibly erected. Thirty-six Englishmen, on three successive trials, had finished that great work. A free Press also remained; and if the people would only do their duty, and assert their rights with proper spirit, so as to recover the true tone and stamp of Englishmen—then also the great barrier of constitutional representation would be found to rear its head. (Applause.) The worthy Baronet near him (Sir F. Burdett) had boldly and honestly told them that if fresh laws for restraining what were called libels were made, or even the old ones continued with their common constructions, he should not hesitate to break them if he found it necessary so to do in the assertion of a public right, or the advocacy of a public principle. (Hear, hear.) The Hon. and worthy Baronet would,

in so acting, do wisely, honestly, and rightly; for he would have, if attacked, the proud shield of constitutional judges, whose special province it would be to say, whether he had acted under a right motive or a wrong one, in the infraction of law with which he stood charged. (Applause.) Mr. Horne Tooke had ably drawn the distinction between the province of a judge and a jury. The former he truly described, as being but the senior officer of the Court, whose duty it was to preserve order, and facilitate the progress of judicial inquiry and investigation. But judges, now-a-days, enlarged the scope of their authority. When, on a late occasion, the Lord Chief Justice of the King's Bench gave a decisive opinion against a point urged by Mr. Hone, in the course of his defence, or rather of one of his defences, the latter happened to say, "That is only your opinion, my lord." "Yes," rejoined the judge, "it is not only my opinion, but the opinion of every other lawyer of the day." So that according to the *dictum* of the judge, the *opinions* of the lawyers were to be the law for Englishmen to obey, and not the plain principles of law as bequeathed by their ancestors. (Applause.) The *gravamen* of Mr. Hone's admirable defence was, that he had no intention of committing the crime wherewith he stood charged, and that he knew of no law forbidding the act he had done. "O!" said the judge, "it is not for what you intended you are to be punished, but for what its tendency may be on the minds of others." On the same rule, the language and conduct of the judge ought to be impeached, not indeed for his intention to the words he uttered, but their tendency on the minds of others, for they evidently went to subvert the whole Trial by Jury. (Laughter and applause.) He (Mr. Wooler) had accidentally been brought before the public, and by no less a personage than the Attorney-General, to whom, for his favour, he owed many thanks. (Laughter.) In the situation in which he was thus placed he hoped he would be found to do his duty. He had early learned a lesson, which every man would find it his best interest to make the rule of his conduct, namely, to resist oppression, whenever and wherever it appeared, and it soon must be destroyed. In the accidental way in which he had been

thrown upon the public, he first had the advantage of that individual's assistance, to whom allusion had so often been made this day—he meant Mr. Pearson, who did for him, at an early period, what he had since done for Mr. Hone, who generously gave up in his behalf the application of that valuable time and talent, which, in the end, led to such invaluable result—(applause)—a result which put it out of the possible reach of the Crown to pack a jury for a political verdict. (Hear, hear.) The master of the Crown Office may still amuse himself by looking over the jury book for the names of any of his old acquaintances; but as it is not likely he will find any, or at least many of them in the list, the people may consider themselves in something like comparative safety. To be sure there were men enough to be found ready to commit any crime for lucre-sake, and these men had got good patrons, for the Government had kindly taken all the *Castles*, and *Olivers*, and *Reynoldses* under their fostering protection. (Applause.) The people could only lament that such was the melancholy fact, but they had also the consolation to know that these men went about branded by society, and would hardly be found now with courage enough to show their heads to do their dirty work. If judges proclaimed that the Crown Officer had a right to nominate, or, in other words, to pack a jury, a juror so selected would feel the situation in which he was placed, and even the most cowardly and venal slave would be ashamed of performing the office for which he was culled, and would sneak off from the Minister's call. (Applause.) The enemies of the people were strong—but they were so, because the people suffered themselves to be weak; they were powerful, because the people would be impotent. If the latter once shook off their apathy, if they once more roused that voice, which compelled the tyrant, John, to sign Magna Charta, and which drove James from the throne, and dictated terms to William, that a compromising Parliament failed to enforce; if they, he repeated, now raised that voice, it would be heard in thunder. If they were but faithful to themselves, the attacks of their enemies would soon be repelled. They had only to emulate the spirit which reigned over Mr. Hone's three recent trials,

and the result on future occasions would ever be found to correspond. (Applause.)

Mr. STURCH here said, as it would not be proper for the Chairman to put this resolution, he begged to be allowed himself to do so. It was then put and carried by acclamation.

Mr. WAITHMAN then rose, and returned thanks in the following manner:—"Gentlemen, I feel under difficulties of several kinds at the present moment. One of them, you must perceive, is a severe cold under which I labour, and which has confined me to my house for the last week; indeed nothing would have at this moment called me from it but the important business of this day. (Applause.) The next difficulty is, that I do not like to exhaust the time which you would wish yourselves to devote to the real business of the day, the subscription of Mr. Hone. (Applause.) I hope this will not be deferred until a more convenient season, no time can be more convenient than the present; let every man come forward with his subscriptions. (A laugh and applause.) Although I am not a raw recruit in political debate, yet I assure you that I am embarrassed and inexperienced in meetings of this kind. I seldom have the fortune to address an assembly composed of *all* friends of liberty, and therefore I am at a loss what to say. (Laughter and applause.) You know that my general sphere of action is among men who are not exactly unanimous in the support of the principles and measures which I think congenial to the spirit of our constitution. Such is the force of habit that I really feel at a loss, I feel in fact awkward, when I look round the room for a political combatant and can find none. (Laughter and applause.) I am never so much at home as when I find that sort of obstruction which is likely to put one on his metal, and call his spirit into action in fair political combat. (Applause.) It is not then, as now, a choice to play one's part, but it becomes an imperative duty for an honest man to raise his voice against an opponent in asserting the rights and liberties of mankind. (Great applause.) I was present during parts of the two first days of Mr. Hone's trial, and I was close to him during the whole of the third and last day. The only merit I lay claim

to relative to this business is, that on his quitting the Court a free man on Saturday night, I accompanied him into a neighbouring coffee-house, to get some refreshment, and I believe was the first to suggest the idea of convening this meeting. (Applause.) In doing so, I only did what, under the same circumstances any one of you would have done. I felt as an Englishman, and expressed myself like one. (Applause.) There was one remarkable occurrence on Mr. Hone's trials, which has not, I believe, been mentioned by any of the gentlemen who have touched on the subject. When this worthy and honest man, with all the courage, and principle, and talent, of a patriotic Englishman, was adducing in his vindication proofs of similar parodies having been published by other men high in Church and State, and urging that this was his only vindication (and he could have no other nor better), he was stopped by the solemn declaration of opinion notified by the judge, who said, 'this was no defence.' The man was, in fact, tried and judged before he entered Court; for, many months ago, I find, by a newspaper report which but lately fell into my hands, the Law Officers of the Crown declared in the House of Commons that 'copies of these infamous and atrocious blasphemies' had been transmitted to them. Thus he was prejudged, tried, cast, and condemned, and merely brought into Court to have the legal forms of his conviction observed and recorded. In vain did Mr. Hone urge to the judge that he only took these parodies as a medium for conveying political squibs against certain characters in office, to whose principles he was opposed, and not as meaning to ridicule the Scriptures; in vain did he plead the precedent of great statesmen and great divines. 'No,' said the judge, 'it is useless to produce these authorities, they are all libels no matter from whom they emanated. I have no hesitation in saying, that the authors of them, be they who they may, ought to stand where you do now—Don't produce them here.' But the jury thought otherwise, and on their production acquitted the defendant. (Applause.) Mr. Hone had no other course than to persevere in adducing his precedents, and he very properly did so. What answer had the judge to give to this

manly declaration of Mr. Hone? If all these are libels, my lord, what answer has the Attorney-General, have all the Attorney-Generals, in a long course of time, to give for not prosecuting the authors? Were they asleep? Who of all the parodists has been charged for publishing his parody? If it is evil intention in me, what prevents it from being evil intention in the Right Hon. George Canning? If I am to be at the bar, why does he not stand at my elbow? This was the only line of defence he could have fairly made, and he made it like a man. (Hear, hear.) It was notorious that heretofore publications of this sort were either permitted or winked at; if, then, Ministers were determined to take a new course, they should have given fair notice of it, and not have suddenly pounced upon a helpless and solitary man, to inflict a penalty which it was notorious had so long remained dormant. Three honest juries defeated such unworthy prosecutions, and consequently stamped their opinion on the motives from which they sprung. (Applause.) The struggle to effect this triumph was glorious for Mr. Hone, but still more so for the people of England, in behalf of whose rights and liberties it was virtually made, rights and liberties that were preserved by his courage. If there rested on the head of such a man any stigma or imputation, the people would nevertheless be his debtors for what he has done in their behalf; but where there is, as I have heard, no such stigma or imputation, the claims of the individual for public gratitude and protection are strong and irresistible. (Applause.) As to myself, I can only say, in return for your favours, that I cannot describe the gratitude I feel for this expression of your good opinion; nor can I repay it so well as by steadily persevering in that course and support of your freedom and liberties, which has gained for me this mark of your approbation. And allow me to say, with the worthy Baronet near me, that as the good opinion of my fellow-citizens was the only award I ever had the ambition to look for, so it shall be the only one to which I shall ever aspire in my future life; conscious that, in seeking the continuance of your good wishes, I shall be pursuing a just and liberal line of conduct.

The worthy Chairman then announced a subscription of £100 from Sir Francis Burdett, which was received with loud cheering.

Mr. Hone being loudly called for—

Mr. WAITHMAN rose to say, that he had early in the day prevailed on Mr. Hone to leave the Tavern, and depart to his own house. It now appeared that some gentlemen regretted this, and wished to hear him. (Cries of "No! No!") I advised what I have told you from delicacy to Mr. Hone, for I think he is in one respect like myself, though far superior to me in courage and talent. When I say he is in one respect like myself, I mean that he would rather meet a host of adversaries in the field, than the friends assembled here to day. (Laughter and applause.) I hope, therefore, gentlemen, you will excuse." (Cries of "Bravo! Certainly.")

Mr. JONES BURDETT next stood forward, and, after briefly adverting to the persecution which Lord Cochrane had sustained, and the sufferings he had undergone, proposed—

13. That the thanks of this meeting be given to Lord Cochrane, for his zealous endeavours on the present occasion.

This resolution having been carried with acclamation,

Lord COCHRANE begged the assembly to accept the very inadequate expression of his sense of the high honour they had conferred on him; it was such as they could best appreciate by a reference to their own sensations; it was too powerful for him to describe. His feelings were such as no ordinary vote of thanks could excite. When he found—after all the calumnies that had been levelled at his honour—after witnesses had been produced against him, who were supported by the same hands that fostered Oliver and Castles—after a trial before the very judge who would have consigned Mr. Hone to a dungeon—that he still retained the esteem and confidence of his fellow-countrymen, no words in the English language could adequately express the feelings that arose in his breast. (Applause.) At the time he alluded to, that system was in its infancy. It had not arisen to that maturity of infamy that now distinguished it. But he was sure that the result of the late

trials had given it a mortal stab—it could not survive such a wound. Juries would know their power, and they would use it. They would no longer be terrified by the fiat of a judge—they would assert that prerogative, without which liberty could not exist. He pledged himself, that, before one month elapsed, he would lay before the public a statement relative to the measures resorted to in his own case, by the side of which the villanies of Oliver and Castles would appear diminutive. This exposure would for ever deter the Government from having recourse to such base artifices. He was grateful to his fellow-countrymen for the honour they had done him—he thanked them for the unshaken opinion they entertained of his honour and integrity; and he would endeavour, while he existed, to uphold that character, without which every man's life must be miserable. (Applause.)

The meeting then separated with the most perfect order.

Towards the conclusion of the meeting, the crowd became so excessive, that the room, which is one of the largest in London, would admit of the entrance of no more. The consequence was, that several hundreds were obliged to retire without being able to hear a syllable.

The crowd followed Sir Francis Burdett, at the conclusion of the meeting, with the loudest cheers, to his house in St. James's Place.

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